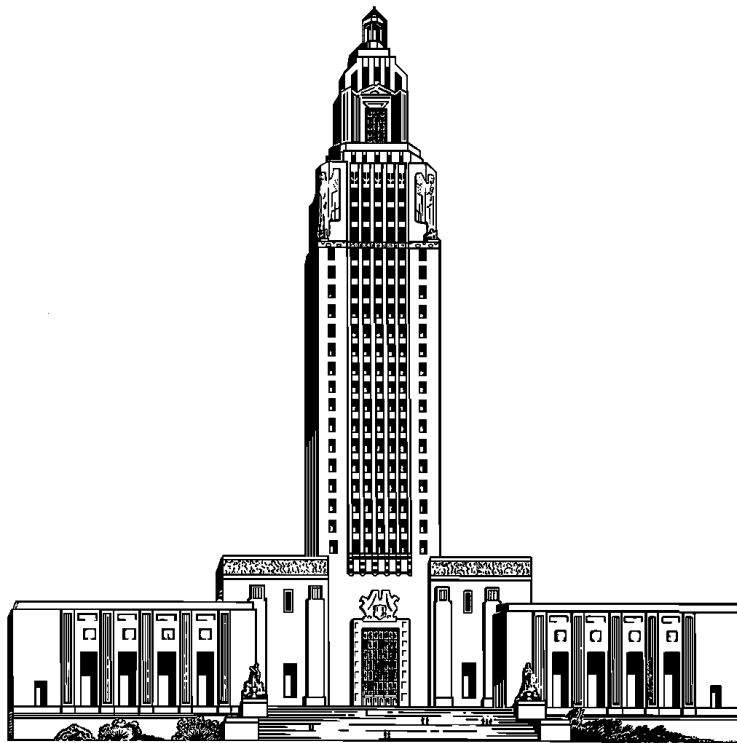


# HIGHLIGHTS

of the  
**2013 Regular Session**  
of the  
**Louisiana Legislature**



**Prepared by:**  
**House Legislative Services**  
**June, 2013**  
(updated with vetoes)

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# ADMINISTRATION OF CRIMINAL JUSTICE

## WEAPONS AND FIREARMS

### **HB5 by Jim Morris** *(Last Action – Senate Calendar)*

Provides that federal laws, rules, regulations, or executive orders banning or restricting semi-automatic firearms are not enforceable in La. Creates criminal penalties for the enforcement or attempted enforcement of an unenforceable federal law, rule, regulation, or executive order, including a fine of not more than \$5,000, imprisonment for not more than two years, or both.

### **HB 6 by Schroder** *(Last Action – Sent to Governor)*

Amends the crime of carrying a firearm on school property to exempt a federal law enforcement officer or a Louisiana commissioned state or local POST-Certified law enforcement officer who is authorized to carry a firearm.

### **HB 8 by Thompson** *(Last Action – Sent to Governor)*

Prohibits the release of information contained in concealed handgun permit applications and information regarding the identity of any person who applied for or received such a permit, and provides criminal penalties.

### **HB 45 by Lopinto** *(Last Action – Senate Committee)*

Provides for the licensure of persons to sell or manufacture firearms, firearm accessories, and ammunition manufactured in the state of La. and provides that the selling or manufacturing of such items are not subject to federal regulation.

### **HB 98 by Thompson** *(Last Action – Sent to Governor)*

Provides for the issuance of concealed handgun permits by the sheriff and authorizes reciprocity agreements between contiguous parishes. Also prohibits the release of information contained in concealed handgun permit applications and information regarding the identity of any person who applied for or received such a permit, and provides criminal penalties.

### **HB 265 by Ivey** *(Last Action – Act No. 84)*

Authorizes lifetime concealed handgun permits. Provides that the term of the permit shall be for the life of the permit holder, and provides that an applicant for the permit shall prepay present law fees for a total of 20 years at the time the application is made. If the applicant is 65 years of age or older, the present law fee shall be prepaid for a total of 10 years. Requires that a lifetime concealed

handgun permit holder provide proof of educational training every five years. Provides for the type of instruction which must be included in the training.

**HB 717 by Henry Burns** *(Last Action – Sent to Governor)*

**SB 135 by Riser** *(Last Action – Sent to Governor)*

Requires that each district clerk of court shall report to the La. Supreme Court for reporting to the National Instant Criminal Background Check System (NICS) database the name and other identifying information of an adult who is prohibited from possessing a firearm under the laws of this state or under 18 U.S.C. 922(d)(4) and (g)(4). Provides a process for a person to petition for restoration of his rights to possess, ship, transport, or receive a firearm or apply for a permit to carry a concealed handgun. Provides that such a person may, upon release from involuntary commitment, file a civil petition seeking judgment ordering the removal of such disability.

## **CRIMINAL PROCEDURE**

**HB 371 by Lopinto** *(Last Action – Sent to Governor)*

Substantially revises the law with respect to discovery in criminal cases. The revisions include changes with respect to motions for discovery, the protection of the identity of certain witnesses, the disclosure of arrest and conviction records of the defendant, a codefendant, or a witness, the inspection and copying of certain witness statements and law enforcement reports, and written reports stating an expert witness' area of expertise, qualifications, and materials on which his conclusion is based.

**HB 442 by Lopinto** *(Last Action – Sent to Governor)*

Authorizes the secretary of DPS&C to establish a substance abuse probation program to provide substance abuse counseling and treatment for defendants sentenced to substance abuse probation. Provides that a court shall suspend a sentence and order an eligible defendant to participate in a substance abuse probation program provided by the DPS&C if the district attorney agrees that the defendant should be sentenced to a substance abuse probation program and the court makes various determinations. Also provides for the substance abuse conditional release program and authorizes the secretary of DPS&C to release an offender sentenced to the custody of the department to intense parole supervision if the offender meets certain requirements.

**SB 71 by Broome** *(Last Action – Sent to Governor)*

Authorizes each district court by rule to designate one or more divisions to preside over a mental health court treatment program. Provides findings relative to the impact of mental illness and substance abuse issues on the criminal justice system. Provides that a criminal defendant may be admitted to such program if he has a diagnosis of mental illness or co-occurring mental illness and substance abuse, and the defendant, prosecutor, and the court consent to his admittance into the program. Provides for the effects of the defendant's participation in the program, including probation, and provides for circumstances in which a defendant may be dismissed from the program.

**HB 512 by Moreno** *(Last Action – Act No. 6)*

Provides that if the defendant fails to appear in court pursuant to any provision of present law and the defendant is subsequently arrested, the periods of limitations shall not commence to run anew until the defendant appears in person in open court where the case on the original charge is pending, or the district attorney prosecuting the original charge has notice of the defendant's custodial location.

**CONTROLLED DANGEROUS SUBSTANCES**

**HB 10 by Pearson** *(Last Action – Act No. 7)*

Adds 27 chemical compounds which have hallucinogenic properties.

**HB 15 by Mack** *(Last Action – Act No. 8)*

Adds certain compounds to synthetic cannabinoids and cathinones (bath salts) in the Schedule I classification of controlled dangerous substances.

**JUVENILES**

**HB 152 by Hazel** *(Last Action – Sent to Governor)*

Provides for parole consideration for juveniles sentenced to life imprisonment for certain homicide offenses after a judicial determination of eligibility for such consideration and when certain conditions are met. The bill was introduced as a legislative response to *Miller v. Alabama*, 132 S.Ct. 2455 (2012), wherein the U.S. Supreme Court held that mandatory life imprisonment without parole for any offender under the age of 18 violates the 8th Amendment's prohibition on cruel and unusual punishment.

**HB 278 by Hodges** *(Last Action – Sent to Governor)*

Adds coercion of a female child to undergo an abortion as a defined form of child abuse. Defines "coerced abortion" as the use of force, intimidation, threat of force, threat of deprivation of food and shelter, or the deprivation of food and shelter by a parent or any other person in order to compel a female child to undergo an abortion against her will.

## **SEX OFFENSES AND SEX OFFENDER REGISTRY**

### **HB 145 by Jay Morris** *(Last Action – Sent to Governor)*

Provides that the Bureau of Criminal Identification and Information shall not be required to make a determination as to which time period of registration and the frequency of in-person renewals would be applicable to certain sex offenders convicted pursuant to the laws of another state who establish a residence in La.

### **HB 423 by Billiot** *(Last Action – Sent to Governor)*

Provides that any petition for injunctive relief or for declaratory judgment regarding the registration and notification requirements as they apply to a particular offender, regardless of the date of conviction, which are based on theories of relief or grounds not specifically provided for in present law, shall be filed through ordinary civil proceedings in the district court for the parish where the state capitol is situated.

## **MISCELLANEOUS**

### **HB 361 by Ritchie** *(Last Action – Sent to Governor)*

When the parents of a minor child are living separate and apart or are divorced, requires both parents to consent to the tracking of the minor child in order for the tracking to be excluded from the crime regarding prohibited uses of tracking devices.

## **AGRICULTURE, FORESTRY, AQUACULTURE, AND RURAL DEVELOPMENT**

### **HB 200 by Anders** *(Last Action – Act No. 103)*

Requires the Department of Agriculture and Forestry to accept fees only for the administration and grading of the Louisiana Landscape Architect Examination. Provides that examination content shall be compiled from questions approved by the Horticulture Commission of Louisiana. Allows for reciprocity for licensees from other states, who have passed the national examination, to take and pass the Louisiana examination. Eliminates existing examination qualifications and allows applicants to meet the minimum qualifications approved by the Council of Landscape Architectural Registration Boards.

### **HB 510 by Chaney** *(Last Action – Sent to Governor)*

Removes the state veterinarian requirement that three of the five years of veterinary experience be in the regulatory control of livestock disease. Provides that service shall be made on the commissioner of agriculture for any suits filed against the Louisiana Board of Animal Health. Defines the powers of the state veterinarian as follows:

- (1) Establish, maintain, and enforce quarantine lines and place movement restrictions on intrastate and interstate travel of livestock.
- (2) Place livestock in quarantine.
- (3) Appoint inspectors to enter property to inspect and disinfect livestock premises.
- (4) Make a decision based on the evaluation of current disease risks as to additional requirements needed to prevent the spread of disease.
- (5) Give written or oral instructions to a person to comply with entry requirements.

### **HB 664 by T. Landry** *(Last Action – Enrolled)*

Codifies the provisions for issuing sweet potato dealers' permits that currently are enumerated in the Department of Agriculture and Forestry's rules and regulations. Provides for certain requirements for application for a permit, exceptions, denials, suspensions, revocations, and probation for such permits. Authorizes the department to refuse renewal of a permit if the person or business owes unpaid sweet potato fees, taxes, or penalties. Clarifies the charging of fees for movement of sweet potatoes out of state.

## **Agriculture, Forestry, Aquaculture & Rural Development** \_\_\_\_\_

### **SB 168 by F. Thompson** (*Last Action – Act No. 26*)

Merges the Seed Commission and the Feed, Fertilizer, and Agricultural Liming Commission into one commission to be named the Agricultural Chemistry and Seed Commission and provides for its membership as follows:

- (1) The commissioner of agriculture and forestry or his designee.
- (2) One member and an alternate, representing the Louisiana Agricultural Experiment Station.
- (3) One member and an alternate, representing the Louisiana Cooperative Extension Service.
- (4) The president of the Louisiana Farm Bureau Federation, Inc. or his designee.
- (5) One member representing the seed industry appointed from nominees submitted by the Louisiana Ag Industries Association.
- (6) One member representing the fertilizer industry appointed from nominees submitted by the Louisiana Ag Industries Association.
- (7) One member representing the feed industry appointed from nominees submitted by the Louisiana Ag Industries Association and the Louisiana Cattlemen's Association.

Authorizes the Department of Agriculture and Forestry to issue written notices of non-compliance for minor violations of the law instead of instituting adjudicatory proceedings. Removes the prohibition against the relabeling of seed more than once in order to prevent good seed from going to waste.

### **SB 187 by F. Thompson** (*Last Action – Act No. 27*)

Removes drugs dispensed by veterinarians from the Prescription Monitoring Program in order to reduce unnecessary redundancy. Also, removes the president of the Louisiana State Board of Veterinary Medicine and the president of the Louisiana Veterinary Medical Association as members of the Prescription Monitoring Program Advisory Council.

## APPROPRIATIONS



31 Items

**HB 1 by Fannin** *(Last Action – Enrolled)*

Click [Here](#) for the Veto Message.

The FY 13-14 General Appropriation Bill (GAB) totals \$25.4 billion, of which \$7.8 billion is State General Fund (SGF) and \$10.5 billion is Federal Funds. SGF increased \$46 million and Federal Funds decreased \$828 million when compared to the FY 12-13 Existing Operating Budget as of December 1, 2012. Overall, FY 13-14 Total GAB funding is \$1.25 billion less than FY 12-13. The GAB also appropriates \$3.3 billion in Statutory Dedications, which is an increase of \$638 million compared to FY 12-13.

The Preamble to the GAB provides that the commissioner of administration shall make reductions of at least \$20 million in SGF from budget units within HB 1.

The following is a summary of department funding in the state budget.

### EXECUTIVE DEPARTMENT

Total Funding	\$	3.5 billion
Executive Office of the Governor	\$	11.5 million
Office of Indian Affairs	\$	1.3 million
Office of the Inspector General	\$	1.8 million
Mental Health Advocacy Service	\$	2.9 million
Louisiana Tax Commission	\$	3.8 million
Office of Coastal Protection and Restoration	\$	427.3 million
Department of Military Affairs	\$	76.7 million
Louisiana Public Defender Board	\$	33.6 million
Louisiana Stadium and Exposition District	\$	82.7 million
Board of Tax Appeals	\$	555,100
Louisiana Commission on Law Enforcement	\$	34.2 million
Louisiana State Racing Commission	\$	12.2 million
Office of Financial Institutions	\$	13 million
Division of Administration	\$	1.5 billion
Homeland Security and Emergency Preparedness	\$	1.3 billion
In the above amounts, funding for disaster recovery efforts related to the hurricanes account for	\$	2.4 billion
Office of Elderly Affairs	\$	44 million

## Appropriations

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31 Items

In the above amounts, funding for the various parish councils on aging and senior centers account for	\$	9.3 million
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### VETERANS AFFAIRS

Funding for all five state War Veterans Homes	\$	50 million
Funding for four (4) additional full time staff positions and related funding at the new War Veterans cemetery in Slidell, La.	\$	203,168
Total Agency funding	\$	57.4 million

### SECRETARY OF STATE

Total Funding	\$	62.1 million
Funding for the Elections Program for municipal elections in in FY 2013-14. There are no planned statewide elections.	\$	7.8 million

### DEPARTMENT OF JUSTICE/OFFICE OF THE ATTORNEY GENERAL

Additional Funding for Deepwater Horizon Litigation	\$	16.4 million
Total Agency Funding	\$	72.7 million

### LIEUTENANT GOVERNOR

Funding for the Lieutenant Governor's Grants Program	\$	5.8 million
Funding for the Learn and Serve America program	\$	615,000
Funding for the Encore Louisiana Commission	\$	471,000
Total Agency Funding	\$	7.3 million

### TREASURY

Funding to the Office of the State Treasurer for the management of the state treasury	\$	14.5 million
Including:		
Funding for the implementation of the Uniform Unclaimed Property Act	\$	2.3 million

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## Appropriations



### PUBLIC SERVICE COMMISSION

31 Items

Funding for the Administrative Program to support all programs of the agency	\$	3.3 million
Funding for the Support Services Program to review consumer complaints filed and conduct investigations to ensure that jurisdictional company rates are charged fairly	\$	2.4 million
Funding for the Motor Carrier Registration Program to regulate intrastate common and contract carriers and to administer the rules for the motor carrier industry	\$	555,169
Funding for the District Office to regulate public utilities	\$	2.7 million
Funding for the Do Not Call Solicitation Program	\$	254,040
Funding for upgrades to the agency's strategic metric registry computer systems	\$	97,133
Total Agency Funding	\$	9.2 million

### AGRICULTURE & FORESTRY

Funding for the Forestry Program	\$	15.9 million
Funding for Animal Health and Food Safety Program	\$	11.3 million
Funding for the Agricultural and Environmental Sciences Program	\$	19.9 million
Total Agency Funding	\$	74 million

### DEPARTMENT OF INSURANCE

Total Agency Funding	\$	30.6 million
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### ECONOMIC DEVELOPMENT

Total Funding	\$	42.8 million
Funding for the Louisiana Economic Development Regional Award and Matching Grant Program (Tier 1)	\$	1.3 million
Funding for advertising, promotion, and marketing related services	\$	6.5 million
Funding for state economic competitiveness bench marking, planning, and research initiatives	\$	1.7 million
Funding for the Fast Start Program	\$	2.4 million
Transferred Rapid Response to Other Requirements appropriation	\$	24.7 million

# Appropriations

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31 Items

## CULTURE, RECREATION & TOURISM

Funding for Poverty Point State Historic Site erosion control	\$	750,000
Marketing Program operating expenses	\$	1,050,310
Funding for Statewide Arts grants	\$	500,000
Allocates funding for the Bayou Country Superfest	\$	200,000
Allocates funding for the New Orleans Motorsports Park	\$	150,000
Total Agency Funding	\$	81.3 million

## TRANSPORTATION AND DEVELOPMENT

Total Operating Budget	\$	577 million
Funding for the Operations Program for operation and maintenance of the state's highway system	\$	401 million
Funding for statewide contract maintenance to provide for mowing, litter abatement, traffic signal maintenance and installation, rest area security, guardrail maintenance, and highway striping	\$	26.8 million
Funding for heavy equipment replacements in the District Operations Program utilized for highway maintenance	\$	21.5 million
Funding for the Parish Road Program, the initial allocation of \$34 million is based on parish population and the balance is allocated based on parish road miles	\$	38.4 million
Funding for the Mass Transit Program, allocation is based on population and passenger counts	\$	5 million
Funding for Motorist Assistance Patrols for highway assistance and clearing traffic congestion	\$	3.8 million

## PUBLIC SAFETY AND CORRECTIONS

### Public Safety Services

Total Funding	\$	505 million
Additional budget authority to the Louisiana State Police out of the Oil Spill Contingency Fund and the Natural Resources Restoration Trust Fund for expenditures related to the Deepwater Horizon event	\$	111 million
Funding for a State Trooper cadet class	\$	5 million

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## Appropriations



31 Items

### Corrections Services

Total Funding	\$	496.6 million
Provided funding for offender health care costs	\$	50 million
Local Housing of Adult State Inmates	\$	149.8 million
Adult Work Release Program	\$	18.8 million
Local Reentry Services	\$	2.3 million

### Youth Services

Total Funding	\$	111.3 million
Local Housing of Juvenile Offenders	\$	3.8 million
Provides funding to maintain operation at the juvenile facilities at Jetson, Swanson and Bridge City	\$	43 million
Provides funding for Families in Need of Services (FINS)	\$	3.2 million

## HEALTH AND HOSPITALS

### Medicaid

Total Funding	\$	7.8 billion
Including:		
Funding for Bayou Health payments	\$	1.4 billion
Funding to make supplemental payments using the upper payment limit methodology	\$	633 million
Funding for the Louisiana Behavioral Health Partnership	\$	440 million
Funding for utilization increases, including pharmacy	\$	81 million
Funding for public/private partnerships	\$	1.1 billion

### Aging and Adult Services

Total Funding	\$	55 million
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### Public Health

Total Funding	\$	327 million
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### Behavioral Health

Total Funding	\$	273 million
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### Developmental Disabilities

Total Funding	\$	160 million
Funding for the Louisiana Assistive Technology Access Network	\$	250,000

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## Highlights

2013 Regular Session

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# Appropriations

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31 Items

## Other Behavioral Health and Developmental Disabilities

Districts and Authorities

Total Funding	\$	191 million
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## Other DHH

Federal Sequestration Cuts to Behavioral Health Programs	\$	2 million
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Funding for Louisiana Rural Health Information Exchange	\$	1 million
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## CHILDREN AND FAMILY SERVICES

Temporary Assistance for Needy Families (TANF) Initiatives

Funding for FY 12-13	\$	98.6 million
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Funding for FY 13-14	\$	100.4 million
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FY 13-14 TANF Initiatives:

Community Supervision programs	\$	900,000
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Jobs for America's Graduates (JAGS)	\$	4.0 million
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Family Violence	\$	2.4 million
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CASA	\$	4.4 million
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Drug Courts	\$	6.0 million
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CPI/Family Services	\$	24.8 million
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Nurse Family Partnership	\$	3.2 million
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Homeless Initiative	\$	637,500
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Emergency Assistance	\$	13.4 million
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LA 4	\$	36.4 million
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Non-medical substance abuse assessment	\$	3.0 million
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Abortion Alternatives	\$	1.3 million
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TOTAL	\$	100.4 million
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Funding for the Child Welfare Program	\$	212.2 million
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Funding for the Temporary Assistance to Needy Families (TANF) Program	\$	162.9 million
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Funding for the Supplemental Nutrition Assistance (SNAP) Program	\$	112.2 million
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Funding for the Support Enforcement Services (SES) Program	\$	96.2 million
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Funding for the Child Care Development Fund	\$	95.3 million
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Funding for the Disability Determination Services (DDS) Program	\$	50.9 million
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Funding for the Modernization Project to transform the service delivery of Children and Family Services to allow clients multiple ways to apply for assistance	\$	27.5 million
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## Appropriations



31 Items

### NATURAL RESOURCES

Funding for the Technology Assessment Program	\$	14.0 million
Funding for the Mineral Resources Program	\$	11.5 million
Funding for the Oil and Gas Regulatory Program	\$	10.0 million
Increased Interagency Transfer funding from DEQ for consolidation of some management and finance functions	\$	1.2 million
Total Agency Funding	\$	94.1 million

### DEPARTMENT OF REVENUE

Total Funding	\$	94.8 million
Funding for implementation of the Amnesty program (HB 456)	\$	7.5 million
Provides funding to the Tax Collection Program for an upgrade to the V9 integrated tax processing package.	\$	2 million

### ENVIRONMENTAL QUALITY

Funding for expenses related to the Deepwater Horizon event	\$	1.2 million
Funding to the Rural Water Association to provide technical assistance to rural water systems throughout the state	\$	500,000
Transfers funding and fifty-five (55) positions to the Department of Natural Resources for the management and finance consolidation	\$	1.2 million
Funding for the Motor Fuels Underground Storage Tank activity for clean-up of leaking underground storage tanks to response action contractors	\$	24.8 million
Funding for the Waste Tire Program for payments to processors for disposal of collected waste tires to authorized end use markets	\$	10.3 million
Funding for the Hazardous Waste Site activity	\$	1.4 million

### LOUISIANA WORKFORCE COMMISSION

Total Funding	\$	273 million
Provides funding for Workforce and Training	\$	145 million
Provides funding for small businesses and pre-employment training for workers through the Incumbent Worker Training Program	\$	26.4 million

# Appropriations

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31 Items

## WILDLIFE AND FISHERIES

Federal funding for continued hurricane disaster relief	\$	45.0 million
Funds from British Petroleum for oil related expenditures	\$	8.3 million
Funds from British Petroleum for a seafood marketing program	\$	6.0 million
Funds from British Petroleum for a seafood safety testing program	\$	4.6 million
Funds from British Petroleum for a fisheries monitoring program	\$	4.0 million
Funds for aquatic weed control (\$6.3 million from the Conservation Fund, \$1.1 million from federal funds, and \$500,000 from the Aquatic Plant Control Fund)	\$	7.9 million
Funds from Coastal Protection and Restoration Authority for nutria control	\$	3.4 million
Funds from the Conservation Fund to purchase land to expand hunting opportunities for Louisiana citizens	\$	2.0 million
Total Agency Funding	\$	206.0 million

## CIVIL SERVICE

Funding to State Civil Service to administer a comprehensive merit-based personnel management program to state agencies	\$	11.0 million
Funding for the operations of the State Examiner to administer the Municipal Fire and Police Civil Service System in 107 jurisdictions	\$	1.9 million
Funding to Ethics Administration to administer and enforce Ethics Reform	\$	3.9 million
Funding for the operations of the State Police Commission to administer a separate merit system for the commissioned officers of Louisiana State Police	\$	486,068
Funding to the Division of Administrative Law to conduct administrative hearings for state agencies	\$	7.9 million

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## Appropriations



31 Items

### HIGHER EDUCATION

Total HIED Funding - Represents an overall decrease of

\$269.1 million or a change of -9.3%. Formula Funding from State General Funds and Overcollections Funds have been allocated to the respective management boards and agencies but have not been allocated to the individual colleges and universities in HB 1.

\$ 2.64 billion

TOPS - Taylor Opportunity Program for Students funding is appropriated at \$217 million (\$75.9 million State General Funds and \$141.7 million Statutory Dedications). In the Enrolled General Appropriation Bill, \$28.8 million of the State General Funds for this agency are located in the Board of Regents.

\$ 217 million

Board of Regents - \$4.9 million is appropriated for Board of Regents operations. The Board of Regents appropriation also contains all of the State General Funds for the other higher education institutions. These funds will be allocated at some point in the future to the respective higher education institutions.

\$ 817 million

LSU Health Sciences Center Hospital - Shreveport is anticipated to enter into a public/private partnership and the funding authority for the hospital has been removed from Higher Education. The hospital will be funded directly through the Department of Health and Hospitals.

\$ (160 million)

LSU Health Sciences Center - Shreveport Medical School is receiving \$41.5 million in additional Self-Generated Revenue budget authority to spend reserves for general operating expenses because under the anticipated public/private partnership, the medical school will no longer receive transfer funding from the hospital

\$ 41.5 million

HIED - \$40 million from the Overcollections Fund is provided for general operations and deferred maintenance. Each system will receive \$10 million.

\$ 40 million

Huey P. Long Medical Center - \$8.6 million in Interagency Transfers, \$1.2 million in Fees and Self-Generated Revenues, and \$.9 million for partial year funding to allow the agency additional time to enter into a cooperative endeavor agreement.

\$ 10.8 million

# Appropriations

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31 Items

Southern University System - \$1,500,000 in State General Funds are allocated to Southern A&M, New Orleans and Shreveport campuses for general operations. \$ 4.5 million

LSU Agricultural Research and Extension Center - is receiving \$5 million State General Funds for operating expenses. \$ 5 million

Southern University Agricultural Research and Extension Center - is receiving \$3 million State General Funds for operating expenses. \$ 3 million

## SPECIAL SCHOOLS AND COMMISSIONS

Total funding for the budget units in Special Schools and Commissions \$ 91 million

## ELEMENTARY AND SECONDARY EDUCATION

Minimum Foundation Program \$ 3.5 billion

Due to the Legislature not approving the FY 13-14 BESE-adopted Minimum Foundation Program formula and the Louisiana Supreme Court decision that the FY 12-13 MFP resolution was not validly enacted, the FY 11-12 MFP Formula will be used to determine the cost of a minimum foundation program of education for FY 13-14. The Legislature appropriated \$3.5 billion for the FY 13-14 MFP – \$3.2 billion SGF and \$263 million Statutory Dedicated Funds.

The FY 13-14 MFP (i.e., the FY 11-12 MFP Formula with updated enrollment and local revenue information) does not include the Student Scholarships for Educational Excellence Program (also referred to as vouchers), nor does it transfer state funds in lieu of local funds to Type 2 Legacy Charter Schools, the Louisiana School for Math, Science and the Arts, and the New Orleans Center for the Creative Arts.

Key provisions of the FY 13-14 MFP appropriation are:

(1) The Legislature appropriated \$69 million additional State General Fund for school systems, lab schools, charter schools, the Recovery School District, the Louisiana School for Math, Science and the Arts, the New Orleans Center for the Creative Arts, and the Office of Juvenile Justice Schools, and mandated that not less than 50% of these funds be used for pay raises of certificated classroom teachers and employer retirement contributions. The remaining 50% of the increase can be expended where school systems and schools choose to use the funds.

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## Appropriations



31 Items

(2) Base Per Pupil Amount of \$3,855 remains unchanged, but the \$69 million enhancement is equal to increasing the \$3,855 to \$3,961.

(3) At-Risk Weight of 22%.

(4) Career and Technical Weight of 6%.

(5) Level 2 State Support of 34% of Level 1 Costs.

(6) Stipends for Foreign Associate Teachers.

(7) \$100 Mandated Costs Per Pupil Funding.

### LA4

The LA4 Early Childhood Program is appropriated \$74 million  
and currently serves up to 16,000 four-year olds

\$	74 million
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### Student Scholarships for Educational Excellence Program (SSEEP)

The Student Scholarships for Educational Excellence Program will  
enter its second year of awarding scholarships with  
approximately 8,500 awards

\$	43 million
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## HEALTHCARE SERVICES DIVISION

Total Funding	\$	113 million
Lallie Kemp Regional Medical Center	\$	45 million
Overcollections for termination pay	\$	20 million
W.O. Moss Regional Medical Center	\$	22.3 million
Washington-St.Tammany Regional Medical Center	\$	27 million
Reductions in Interagency Transfers	\$	(1.3 million)

## OTHER REQUIREMENTS

Funding for local housing of state adult offenders and state juvenile offenders	\$	174.7 million
Funding for debt service payments for Corrections, Higher Education, Louisiana Economic Development, and the Division of Administration	\$	183.6 million

## Appropriations

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31 Items

Funding for supplemental pay to law enforcement personnel	\$	129.0 million
Funding for parish transportation to local government	\$	43.4 million
Funding for sales tax dedications to local government	\$	39.5 million
Provides funding to local government from Video Draw Poker	\$	42.2 million
Funding for District Attorneys and Assistant District Attorneys	\$	33.2 million
Funding to local governments to aid in fire protection	\$	18.4 million
Funding for consent judgments, stipulated judgments and settlements against the state	\$	12.0 million

# CIVIL LAW AND PROCEDURE

## SURROGACY CONTRACTS



**SB 162 by G. Smith** (*Last Action - Sent to Governor*)  
**HB 433 by Badon** (*Last Action - House Committee*)

Click [Here](#) for the Veto Message.

Prohibits genetic surrogacy contracts and provides for the enforceability of gestational surrogacy contracts. Requires a gestational surrogacy contract to be approved by a court prior to in utero embryo transfer to be enforceable. Provides procedure for seeking court approval and mandates the court set the matter for hearing within 60 days of the initiation of the proceeding. Requires the use of a gestational carrier be deemed medically necessary to assist in reproduction by an independent board certified physician in obstetrics and gynecology or in reproductive endocrinology who is not affiliated with a surrogacy agency.

Defines genetic surrogacy as the process by which a woman attempts to carry and give birth to a child using her own gametes and either the gametes of a person who intends to parent the child or donor gametes, when there is an agreement to relinquish the custody of and all rights and obligations to the child.

Defines gestational surrogacy as the process by which a woman, the gestational carrier, attempts to carry and give birth to a child conceived by in vitro fertilization using the gametes of the intended parents and to which the gestational surrogate has made no genetic contribution.

Requires the gestational carrier to be at least 25 years old and to have already given birth to at least one child. Further requires the gestational carrier to submit to reasonable medical testing and prenatal care, to attend counseling sessions with a mental health professional, and to agree to relinquish all rights to the child born as a result of the in utero embryo transfer. Provides that the gestational carrier retains sole authority with respect to medical decisionmaking during the pregnancy.

Requires the intended parents to be a married couple, to agree to accept custody and full parental rights of the child regardless of any impairment, and to acknowledge that the gestational carrier retains sole authority to make medical decisions during the pregnancy.

Prohibits any compensation to the gestational carrier other than reasonable medical expenses, mental health counseling expenses, reasonable living expenses during the pregnancy and up to two months after the birth of the child, and reasonable travel expenses.

Allows any party to terminate a gestational surrogacy contract prior to in utero embryo transfer, but prohibits the court from terminating the contract after it has issued a valid pre-implantation order or after a successful in utero embryo transfer unless there is good cause. Requires the court to vacate the pre-implantation order when the intended parents obtain a judgment of divorce or judicial declaration of nullity of the marriage prior to in utero embryo transfer.

## Civil Law & Procedure

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Provides procedures for seeking a post-birth order. If the parties have complied with all provisions of law, requires the court to issue a post-birth order that confirms that the intended parents are the legal parents, that orders the child be surrendered to the intended parents, and that orders a new birth certificate listing the intended parents as the parents and that the original birth certificate be sealed. Provides limitations for an action to annul a post-birth order.

### INTERCOUNTRY ADOPTIONS

#### **HB 578 by N. Landry** (*Last Action - Act No. 86*)

Provides the procedures for four different modes of adopting or recognizing the adoption of a foreign orphan in Louisiana: Non-Hague Convention Country Recognition of Foreign Adoptions and Adoptions of a Foreign Orphan and Hague Convention Country Recognition of Foreign Adoptions and Adoptions of Convention Adoptees.

Provides for the contents and form of the petition, required documentation, and procedure for all four modes. Requires that the spouse of an adoptive parent be either a U.S. citizen or have lawful immigration status.

Authorizes the court to grant or deny the final decree of adoption, considering the best interests of the child. However, in Recognitions of Foreign Adoptions of Hague Convention adoptees, the court may deny the final decree only if the adoption is contrary to public policy.

If the adopted child's name is changed, requires the clerk of court to forward the certificate of the decree of name change to the state registrar of vital records who shall issue a new certificate of live birth in the new name. Provides that the final decree of adoption automatically entitles the child to U.S. citizenship under the Intercountry Adoption Act.

### JURY TRIALS

#### **HB 321 by Huval** (*Last Action - Senate Committee*)

Would have established expedited jury trials, provided for the availability of expedited jury trials in certain civil matters, and provided for the procedures for an expedited jury trial.

Would have provided that upon a joint motion of all parties, the court shall set the matter for a pretrial conference to be held within 45 days of the filing of the motion. Further would have provided the court with discretion in granting the motion for an expedited jury trial if it is not in the best interest of justice and would have allowed the parties to consent to an expedited jury trial even when the cause of action did not exceed \$50,000. Would have required that an expedited jury trial be set by special assignment and prohibited the setting from upsetting a previously assigned civil or criminal trial.

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## Civil Law and Procedure

Would have required that six jurors be chosen by lot to try all issues present in an expedited jury trial and that the court examine prospective jurors. Would have allowed the parties to conduct an examination of all jurors, but no more than 20 minutes in total. No alternate jurors would have been chosen. Each side would have been allowed two peremptory challenges. Would have allowed for additional peremptory challenges if there was more than one party on either side. Would have allowed for challenges for cause in accordance with C.C.P. Arts. 1765-1767.

Would have limited the entire jury trial to three hours per side, including opening statement, direct examination, cross examination, rebuttal, and closing argument. Would have allowed the parties to waive their right to appeal. Further would have prohibited parties from moving for an expedited jury trial and requesting a transfer to district court when the principal demand originated in a court of limited jurisdiction and the parties were not entitled to a trial by jury because the cause of action did not exceed \$50,000.

### INJUNCTIONS

#### **HB 523 by Gaines** (*Last Action - Senate Committee*)

Would have provided procedures for the traversal of affidavits offered by a state department, board, or agency in opposition to the issuance of an injunction.

Would have required the Joint Legislative Committee on the Budget (JLCB) to approve an affidavit offered by an officer, administrator, or head of a state department, board, or agency certifying that the expenditure of funds would have the effect of creating a deficit or would be in violation of the requirements placed upon the expenditure of such funds by the legislature.

Would have allowed approval of the certification by the litigation subcommittee of the JLCB in lieu of the JLCB if the JLCB did not have a regularly scheduled meeting within 15 days of filing the affidavit.

Would have authorized the court to determine the petition to be frivolous or without merit and deem the affidavit approved.

Would have required the court to set the hearing on the injunction pursuant to C.C.P. Art. 3602, unless the court found the petition frivolous or without merit, or unless the certification was approved by the JLCB or the litigation subcommittee.

Would have provided that the state department, board, or agency would have the burden of proving by a preponderance of the evidence that the injunction sought would have the direct effect of creating a deficit within the agency or be in violation of the requirements placed upon the expenditure of the funds by the legislature, and would have authorized an adverse party to traverse the facts alleged in the affidavits and to present evidence to controvert the affidavit.

Would have repealed duplicate provisions in Title 13 relative to temporary restraining orders and injunctions.

# COMMERCE

## BUILDING AND CONSTRUCTION

### **HB 421 by Ponti** *(Last Action – Sent to Governor)*

Requires the State Licensing Board for Contractors to assess on each license renewal for contractors an additional fee of \$100 per year to be dedicated to any public university or any community college schools of construction management or construction technology in this state. Requires the board to include an optional election on the renewal form whereby the contractor may choose to not participate in the remission of the additional fee.

Requires the schools to be accredited by either of two national accreditation boards and requires the schools to maintain accreditation in order to receive funding. Requires the schools to report to the board the number of graduates from the previous calendar year. Requires the disbursement of the funds collected to be by Aug.1 of each year upon completion of the annual audit of the board.

Requires that the funds be used solely for the benefit of the accredited public university or community college schools of construction management or construction technology and requires the expenditure of the funds to be approved by the industry advisory council or board of the school. Provides that the funds shall be in addition to any other monies received by such schools. Provides that should the school experience a decrease in the funding appropriated to them by the university or community college as determined by the industry advisory council or board for the program, the school would be ineligible for participation and the monies from the fund for that school would be redistributed on a pro rata basis to all other eligible schools.

Distributes the funds  $\frac{1}{2}$  pro rata to each accredited public university and community college school and  $\frac{1}{2}$  pro rata to each public university school based on the total number of graduates from the previous year as reported to the board by each school.

### **SB 81 by Peacock** *(Last Action – Act No. 60)*

Adds an exception to the requirement that no one perform home improvement contracting services unless registered with and approved by the Residential Building Contractors Subcommittee of the State Licensing Board for Contractors as a home improvement contractor unless the person physically performs home improvement work on property (other than his residence) owned by him when the work has a value of less than \$7,500.

**COMMERCIAL REGULATION****HB 314 by James** *(Last Action – Senate Committee)*

Would have created the "Personal Online Account Privacy Protection Act" and would have prohibited an employer from doing any of the following:

- (1) Requesting or requiring an employee or an applicant for employment to disclose information that allows access to the employee's or applicant's personal online account.
- (2) Discharging, disciplining, failing to hire, or otherwise penalizing or threatening to penalize an employee or applicant for employment for failure to disclose information that allows access to or observation of the employee's or applicant's personal online account.

Proposed law would have provided that an employer shall not be prohibited from requesting or requiring an employee to disclose access information to the employer to gain access to or operate an electronic communications device paid for or supplied in whole or in part by the employer or an account or service provided by the employer, obtained by virtue of the employee's employment relationship with the employer, or used for the employer's business purposes.

Would have prohibited an educational institution from doing any of the following:

- (1) Requesting or requiring a student or prospective student to disclose information that allows access to the student's or prospective student's personal online account.
- (2) Expelling, disciplining, failing to admit, or otherwise penalizing or threatening to penalize a student or prospective student for failure to disclose information that allows access to the student's or prospective student's personal online account.

Proposed law would have provided that an educational institution shall not be prohibited from requesting or requiring a student to disclose access information to the educational institution to gain access to or operate any of the following:

- (a) An electronic communications device paid for or supplied in whole or in part by the educational institution, except where the device has been provided to the student with the intent to permanently transfer the ownership of the device to the student.
- (b) An account or service provided by the educational institution that is either obtained by virtue of the student's admission to the educational institution or used by the student for educational purposes.

## Commerce

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### **HB 408 by Foil** *(Last Action – Senate Committee)*

Would have enacted the "Business Corporations Law", modeled after the Model Business Corporations Act.

Would have provided for the conversion of domestic business entities and provided tax filing requirements for converting entities. Would have provided for derivative actions.

Would have provided for the continuation and updating of a professional or other license.

Would have provided for confidentiality of electronic mail addresses and electronic notification of state changes and provided for a public records exception for electronic email addresses submitted or captured by the secretary of state.

Would have authorized the secretary of state to collect fees and documents permitted to be filed under the Business Corporation Law.

### **HB 425 by Henry** *(Last Action – Sent to Governor)*

Prohibits check cashing licensees from cashing a U.S. Treasury tax refund check or state tax refund check in the amount of \$1,000 or more unless the person requesting the check be cashed submits a photo identification.

Requires licensees to maintain records with certain information for each of those types of checks cashed for three years.

Requires records to include:

- (1) The date on which the check is cashed.
- (2) The number of the check and its face amount.
- (3) The name of the drawer of the check.
- (4) The name, home address, and date of birth of the person cashing the check and a copy of the photo ID presented.
- (5) A copy of the front and back of the check.

**HB 548 by Willmott** *(Last Action – House Committee)*

Would have provided for the licensure and regulation of elevator contractors, inspectors, and mechanics by the state fire marshal and created the Elevator Safety Review Board.

Would have provided for the annual inspection of elevators and other conveyances, except those in one- or two - family dwellings.

Would have authorized the state fire marshal to develop an enforcement program to ensure compliance with regulations referenced in proposed law and authorized the state fire marshal to adopt necessary administrative rules to administer proposed law.

**SB 164 by Martiny** *(Last Action – Sent to Governor)*

Prohibits the location of no more than five State Racing Commission licensed pari-mutuel facilities or offtrack wagering facilities that operate video draw poker devices within Jefferson Parish.

Provides that regardless of the date a facility applied for or was issued a certificate of compliance or a valid building permit, locations on which a truck stop facility has not been completely constructed, if application for licensing is made on or before August 1, 2012, the prohibited distance shall be one mile from any property on the National Register of Historic Places, any public playground, residential property, or a building used primarily as a church, synagogue, public library, or school.

**CONSUMER PROTECTION****HB 567 by Ponti** *(Last Action – Failed to Pass/House)*

Would have allowed debt management and debt settlement services in the state and would have provided for registration and regulation by the office of the attorney general.

Would have provided any violation as constituting an unfair trade practice under the Unfair Trade Practices and Consumer Protection Act.

**SB 166 by Claitor** *(Last Action – House Committee)*

Would have excluded consumer lawsuit loans from the Louisiana Consumer Credit Law and would have provided that any person who only makes such consumer credit loans be exempted from licensure, unless such loans are made by a FDIC insured institution subject to proposed law.

Would have provided for the Consumer Lending Information & Protection Act – Litigation Lending, which applied to all consumer lawsuit loans entered into with a consumer in exchange for an interest

## Commerce

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in proceeds of the consumer's claim or legal action, unless action regulated an attorney client relationship or any other matter regulated by the Louisiana Supreme Court.

### **ECONOMIC DEVELOPMENT**

#### **HB 255 by Leger** *(Last Action – Sent to Governor)*

Increases the maximum number of units allowed to be considered "multifamily residential housing" and changes the minimum commercial or rental facilities allowed to be considered a "transit-oriented development" under the La. Enterprise Zone Act.

Continues to allow a transit-oriented development to enter into contracts for the rebate of sales and use tax or a refundable investment income tax credit if certain conditions are met.

Changes the definition of "transit-oriented development" by changing the minimum commercial or rental space allowed from 15% commercial or rental facilities to 20,000 square feet of commercial or rental facilities. Changes the definition of "multifamily residential housing" by increasing the maximum number of attached dwelling units allowed from 200 to 300.

#### **HB 422 by Talbot** *(Last Action – Sent to Governor)*

Requires the Dept. of Economic Development (DED) to issue a unified economic development budget report annually and required electronic submission to all members of the legislature. Requires the report in each year to include at least 25% of the economic development programs within DED. Requires each economic development program within the department to be included in the report at least once every four years. Requires new economic development programs created within the department to be included in the report not later than two years after the year of creation.

Required the report contain the following information:

- (1) A list of all state economic development programs within the Department of Economic Development, including program title and statutory citation.
- (2) A description of the economic development programs covered by the report, including the purposes of the programs, qualifying businesses, type of incentive, and how administered.
- (3) For the immediately prior fiscal year, if it is the initial report and for all fiscal years since the last report, or it is a subsequent report of an economic development program, based upon actual data to the extent available and upon estimates to the extent actual data is not available:

- (a) The amount of incentives issued.
  - (b) The administrative cost of the program.
  - (c) The number of permanent, new and retained, full-time and part-time jobs, amount of associated payroll, amount of capital investment, and any other economic benefit associated with utilization of the program.
  - (d) The economic impact of the program, including impact on state tax revenues.
  - (e) The overall impact of the program.
- (4) For the current and next fiscal year, estimates of:
- (a) The amount of incentives issued.
  - (b) The administrative cost of the program.
  - (c) The number of permanent, new and retained, full-time and part-time jobs, amount of associated payroll, amount of capital investment, and any other economic benefit associated with utilization of the program.
  - (d) The economic impact of the program, including impact on state tax revenues
  - (e) The overall impact of the program.

## **PROFESSIONAL LICENSING**

### **HB 272 by Greene** (*Last Action – Act No. 36*)

Retains requirement of licensure of professional geoscientists and geoscientists-in-training under the Louisiana Professional Geoscience Practice Act and requires the payment of an application fee for licensure established at the discretion of the board, not to exceed \$200.

Prohibits the board from increasing the application fee by more than \$30 in a three-year period. Requires the payment of a licensure renewal fee established by the board, not to exceed \$150.

Prohibits the board from increasing the renewal fee by more than \$20 in any one-year period and allows for the establishment of a maximum late renewal fee not to exceed three times the normal renewal fee.

## **SECONDHAND DEALERS**

### **HB 188 by Ponti** (*Last Action – Sent to Governor*)

Defines "precious metal object" as one of the following:

- (1) A precious metal containing gold, iridium, palladium, platinum, or silver.
- (2) A precious or semiprecious stone or a pearl, that is or appears to be attached to or inlaid in a precious metal or alloy of a precious metal.

## Commerce

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- (3) An object, including currency or coinage regardless of the issuing governmental entity, that is composed of a precious metal or precious metal alloy if at least 25% of the object's weight is precious metal or the market value of the metal in the object lies primarily in the precious metal component.

Prohibits a secondhand dealer from entering into any cash transactions in payment for the purchase of a precious metal object. Requires payment for a precious metal object to be made in the form of a check issued to the seller of the metal.

Prohibits a secondhand dealer from entering into any cash transactions in excess of \$300 for the purchase of metal property other than copper or a precious metal object. Requires payments in excess of \$300 for metals other than copper or a precious metal object be made in the form of a check made payable to the seller of the metal and be tendered to the seller at the time of the transaction. Allows the secondhand dealer, at his discretion, to make payment by either cash or other method for transactions of \$300 or less for all metals other than copper or a precious metal object.

### **SB 131 by J.R. Smith** *(Last Action – Act No. 92)*

Prohibits an operator from entering into any cash transactions in payment for the purchase of copper and requires that after five business days from the date of the transaction, payment for copper be made in the form of a check made payable to the name and address of the seller of the metal or a loadable payment card and be tendered to the seller in any of the following manners:

- (1) By mail to the address recorded on the photo identification of the seller.
- (2) In person at the place of business of the operator.
- (3) By electronic transfer.

Provides that payments in excess of \$300 for metals other than copper be made in the form of a check made payable to the name and address of the seller or a loadable payment card and be tendered to the seller at the time of the transaction.

Provides that if an operator makes payment to the seller in the form of a loadable payment card, the operator shall require verification of the seller's identification by a driver's license or similar means, and shall require verification of the seller's address by a current utility bill.

## EDUCATION

### MINIMUM FOUNDATION PROGRAM (MFP) FORMULA

#### **SCR 23 by Appel by** *(Last Action – Senate Committee)*

Due to the legislature not adopting SCR 23 which would have approved the MFP formula for FY 2013-2014 for public elementary and secondary schools and last year's formula being found unconstitutional by the Louisiana Supreme Court, the formula adopted by the legislature in 2011 is in effect for FY 2013-2014. *(See Appropriations section for further details.)*

### SCHOOLS/CHOICE

#### **HB 115 by James** *(Last Action – Sent to Governor)*

Permits parents of students attending certain "D" or "F" schools directly operated by the Recovery School District to submit a petition to the State Board of Elementary and Secondary Education (BESE) requesting that the school be returned to the local school system from which it was transferred. Requires BESE to adopt rules and regulations for implementation of the petition process.

### SCHOOLS/ACCOUNTABILITY

#### **HB 466 by Havard** *(Last Action – Senate Committee)*

Would have prohibited the State Board of Elementary and Secondary Education (BESE) from implementing changes to rules or policies that provide for a method or formula for determining letter grades for schools or school districts or that provide for granting rewards or taking corrective actions based on letter grades unless approved by the House and Senate education committees. Would have required BESE, for the 2012-13 school year, to have determined letter grades according to the same method or formula used for the 2011-12 school year and to have provided for granting rewards or taking corrective actions based on letter grades according to the same rules or policies used in the 2011-12 school year.

### SCHOOLS/CHARTER

#### **HB 661 by W. Bishop** *(Last Action – Sent to Governor)*

Creates a Type 3B charter school as a former Type 5 charter school transferred from the Recovery School District back to the local school system from which it was transferred. Provides for

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applicability of charter school laws to Type 3B schools. Specifies funding methods for Type 3B schools, including those in Orleans Parish.

### SCHOOL BOARDS AND SYSTEMS/CREATION

**SB 73 by White** *(Last Action – House Calendar)*

**SB 199 by White** *(Last Action – Sent to Governor)*

SB 73 was a proposed constitutional amendment that would have granted the Southeast Baton Rouge Community School System in East Baton Rouge Parish the same authority granted to parish school systems relative to MFP funding and raising revenue for schools.

SB 199 creates and provides for the Southeast Baton Rouge Community School Board and school system in East Baton Rouge Parish. Would have become effective had the constitutional amendment proposed by SB 73 or HB 206 been adopted and become effective.

**HB 206 by Reynolds** *(Last Action – Failed to Pass/House)*

Proposed constitutional amendment that would have replaced the requirement that the legislature create parish school boards with a requirement that the legislature create local public school boards and specify their geographic jurisdiction, would have required voter approval of new school boards, and would have provided that any local public school district be included in the MFP and have the constitutionally granted authority to levy ad valorem taxes.

### STUDENTS/TESTING

**HB 343 by Edwards** *(Last Action – Sent to Governor)*

**SB 127 by G. Smith** *(Last Action – Enrolled)*

Prohibits public high school students with exceptionalities (except gifted/talented students) who are not pursuing a high school diploma from being administered any test pursuant to LEAP or the school accountability program, including the ACT. Provides exceptions and prohibits students, schools, and school systems from being penalized for students not participating in such testing.

### TEACHERS/EVALUATION

**HB 160 by Reynolds** *(Last Action – Senate Committee)*

**HB 129 by Pierre** *(Last Action – Senate Committee)*

Would have delayed implementation of certain requirements of the teacher evaluation program relative to termination proceedings. Would have prohibited teacher evaluation results from being used for any purpose for the 2012-2013 school year except would have required that the observation portion be used in making reduction in force decisions. Would have prohibited giving a teacher a performance rating until the completion of his full evaluation.

### DEPARTMENT OF EDUCATION/REORGANIZATION

#### **HB 650 by Carter** *(Last Action – Sent to Governor)*

Reorganizes the state Department of Education as follows: (1) eliminates the office of literacy, the office of science, technology, engineering, and mathematics, the office of college and career readiness, the office of departmental support, and the office of innovation; (2) adds the office of district support; (3) removes the requirement that a deputy superintendent be appointed and instead authorizes appointment of a deputy state superintendent; (4) provides that the office of management and finance and the office of district support shall be under the immediate supervision and direction of a deputy superintendent; and (5) moves responsibility for personnel management from the office of management and finance to the state superintendent of education.

### TOPS (TAYLOR OPPORTUNITY PROGRAM FOR STUDENTS)

#### **SB 202 by Nevers** *(Last Action – Sent to Governor)*

Relative to TOPS eligibility, provides a new high school core curriculum for students graduating in the 2017-18 school year and thereafter and provides for a five-point scale for calculating cumulative grade point averages with respect to grades earned in certain Advanced Placement, International Baccalaureate, gifted, and dual enrollment courses.

### POSTSECONDARY EDUCATION/TUITION AND FEES

#### **HB 671 by Foil** *(Last Action – Sent to Governor)*

Authorizes each public postsecondary management board to impose a building use fee for students in an amount not to exceed \$48 per semester or any higher fee amount otherwise specifically authorized by law and to impose tuition and attendance fees for students in certain distance education programs. Authorizes the LSU Board of Supervisors to impose at LSU-Baton Rouge a digital media program fee of up to \$2,500 per semester for students in graduate and professional degree programs in digital media and to impose at the School of Dentistry, per academic year, a \$300 dental supply fee for students in the doctor of dental surgery (DDS) program, the dental hygiene program, and the dental laboratory technology program and a \$275 prosthetic device fee for second-year DDS students.

### POSTSECONDARY EDUCATION/FUNDING

#### **SB 204 by Adley** *(Last Action – Sent to Governor)*

Authorizes \$251 million in state bonds, outside the capital outlay process, to be sold to fund 29 construction projects at community and technical colleges. Requires a 12% match in private funds.

## HEALTH AND WELFARE

### MEDICAID EXPANSION

In a decision announced on June 28, 2012, the Supreme Court of the United States in *National Federation of Independent Business Et Al. v. Sebelius, Secretary of Health and Human Services, Et Al.* upheld the overall constitutionality of the Affordable Care Act (also known as "ACA", "federal health reform", and "Obamacare"). However, in the ruling, a majority of the court held that the mandatory expansion of eligibility for the Medicaid program as provided in the ACA is unconstitutionally coercive, thereby making participation in the expansion a voluntary proposition for states. Louisiana legislators filed numerous bills and resolutions in the 2013 RS relative to Medicaid expansion, with most instruments intended to cause Louisiana's participation in Medicaid expansion, and one (a proposed constitutional amendment) opposed to the expansion. No instrument relative to Medicaid expansion which carried the effect of law was finally passed.

#### **HB 110 by Norton** (*Last Action – House Committee*)

Would have amended the La. Revised Statutes to require that the state's Medicaid eligibility standards conform to those established by the Affordable Care Act.

#### **HB 233 by Smith** (*Last Action – Failed to Pass/House*)

Would have amended the La. Revised Statutes to require that the state's Medicaid eligibility standards conform to those established by the Affordable Care Act, and instituted enhanced reporting requirements for the Department of Health and Hospitals relative to Medicaid program outcomes and accountability measures. HB 233 was amended in its House committee hearing to stipulate that the expansion be implemented in a manner which would utilize federal monies to finance Medicaid beneficiaries' purchasing of private insurance through a program similar to one that the Arkansas legislature passed into law in that state in April, 2013, and which became known as the "Arkansas model" as the Medicaid expansion debate played out in states across the nation through the year.

#### **SB 125 by Peterson** (*Last Action – Senate Committee*)

As occurred with HB 233 (detailed above), SB 125 began as a "simple" expansion bill, and was amended in a committee hearing to have it provide for an insurance-based "Arkansas model" of expansion.

#### **HB 449 by Burrell** (*Last Action – House Committee*)

Would have provided for a time-limited expansion of Medicaid eligibility standards by amending

the La. Revised Statutes to require that such standards conform to those established by the Affordable Care Act through Dec. 31, 2016, encompassing the period when benefits for newly-eligible Medicaid enrollees would be 100% federally financed.

**HCR 4 by Norton** *(Last Action – House Committee)*

Would have authorized and directed the Department of Health and Hospitals to amend Louisiana's Medicaid state plan to expand Medicaid eligibility standards to conform to those established in the Affordable Care Act.

**HCR 8 by Edwards** *(Last Action – House Committee)*

Would have amended the La. Administrative Code to revise the state's Medicaid eligibility standards to conform to those established by the Affordable Care Act.

**HR 131 by K. Jackson** *(Last Action – Filed with Secretary of State)*

Declares that participation in Medicaid expansion as provided in the Affordable Care Act is in the best interest of Louisiana, and requests that a ten-member study group form to make recommendations to the legislature concerning implementation of Medicaid expansion in a manner which maximizes fiscal and public health benefits to the state.

**HB 429 by Hollis** *(Last Action – Failed to Pass/House)*

Proposed an amendment to the Louisiana Constitution which would have prohibited any law or rule from compelling a person, employer, or health care provider to participate in a health care system.

### STATE HOSPITAL PRIVATIZATION

A sudden reduction in federal funding for the Louisiana Medicaid program was included in a sweeping transportation bill passed by congress and signed into law on July 6, 2012 - less than one week after State Fiscal Year 2012-2013 commenced - and resulted in a net decrease of over \$850 million dollars in the 2012-2013 Medicaid budget. Pursuant to this dramatic funding cut, the Department of Health and Hospitals announced a decision on July 13, 2012, to address the shortfall by eliminating nearly all funding for state hospitals operated by LSU. Since that time, the department has led a privatization effort in which public-private partnerships have been proposed for delivery of health services at LSU hospital facilities by private health care enterprises, with the terms and conditions for such service delivery to be set forth in cooperative endeavor agreements between the state and private providers. Numerous legislative instruments were filed in the 2013 RS in response to the hospital privatization effort, including the following:

## Health & Welfare

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### **HB 284 by Ortego** *(Last Action – House Committee)*

Would have transferred governance and control of state hospitals from LSU to the human services districts and authorities of the state.

### **HCR 74 by Brossett** *(Last Action – Referred to Senate Committee)*

Would have required approval by the Joint Legislative Committee on the Budget of any cooperative endeavor agreement between the LSU Board of Supervisors and a private entity involving the operation of a public hospital.

### **HR 42 by Brossett** *(Last Action – Subject to Call/House Referral)*

Would have required approval by the House Committee on Appropriations of any cooperative endeavor agreement between the LSU Board of Supervisors and a private entity involving the operation of a public hospital.

### **SR 28 by Murray** *(Last Action – Filed with Secretary of State)*

Requires approval by the Senate Committee on Finance of any cooperative endeavor agreement between the LSU Board of Supervisors and a private entity involving the operation of a public hospital.

### **HCR 51 by Barrow** *(Last Action – House Committee)*

Would have directed the Department of Health and Hospitals, the Division of Administration, and LSU to cease efforts to privatize state hospitals.

### **HCR 139 by Barrow** *(Last Action – Filed with the Secretary of State)*

Directs the Department of Health and Hospitals, the Division of Administration, and LSU to make annual reports to the legislature concerning operation and management of state hospitals which have been privatized.

### **HCR 140 by Hunter** *(Last Action – House Committee)*

Would have directed implementation of certain requirements for private contractors relative to financial stability, records of performance, and disclosure of executive compensation as conditions for privatizing the operation of any state hospital.

### **HR 186 by Hunter** *(Last Action – Failed to Pass/House)*

Would have requested the Department of Health and Hospitals to protect LSU hospitals in Shreveport, Monroe, and Pineville from negative financial and public health consequences of hospital privatization and to adequately compensate other hospitals of north and central Louisiana for any increased burden of providing care to the poor and uninsured resulting from privatization of public hospitals.

### **SCR 25 by Gallot** *(Last Action – Filed with Secretary of State)*

Requests the LSU Board of Supervisors and the governor to keep the Huey P. Long Medical Center in Pineville open and viable.

### **SCR 98 by Johns** *(Last Action – Filed with Secretary of State)*

Approves the closure of the emergency room of W.O. Moss Regional Medical Center (the LSU hospital in Lake Charles) in accordance with R.S. 17:1519.3(B), which provides that no emergency room of a hospital for which the LSU Health Sciences Center-New Orleans is responsible may be closed without legislative approval, and that such approval may be granted by concurrent resolution.

### **SCR 101 by White** *(Last Action – Filed with Secretary of State)*

Requests the Department of Health and Hospitals to protect Baton Rouge General Medical Center and Lane Regional Medical Center from the negative financial consequences of the closure of Earl K. Long Medical Center (the former LSU hospital in Baton Rouge) by adequately compensating those hospitals for the increased burden of providing health care to poor and uninsured residents of the greater Baton Rouge region.

## **ABORTION**

### **SB 90 by Mills** *(Last Action – Sent to Governor)*

Provides that when any drug or chemical is used for the purpose of inducing an abortion, the physician who prescribed the drug or chemical shall be in the same room and in the physical presence of the pregnant woman when the drug or chemical is initially administered, dispensed, or otherwise provided to the pregnant woman.

### **HR 105 by Hoffmann** *(Last Action – Filed with Secretary of State)*

### **SCR 57 by Martiny** *(Last Action – Filed with Secretary of State)*

Both resolutions assert that abortions will be performed in a future Planned Parenthood clinic which is currently in the predevelopment stage of construction in New Orleans. Each resolution urges and

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requests that the Department of Health and Hospitals, the Division of Administration, the La. Legislative Auditor, and the Office of the Inspector General investigate and monitor the practices of Planned Parenthood to determine whether the organization is in compliance with state and federal laws and regulations; that the Department of Health and Hospitals immediately suspend all grants and reimbursements pursuant to its Medicaid provider agreement or any other state contract with Planned Parenthood; that any application for economic incentives of any kind filed by Planned Parenthood to construct, purchase, or operate any facility, or to employ any individuals therein, be denied by the Department of Economic Development, the Louisiana Workforce Commission, or any other department, and that any application for any economic incentive filed by Planned Parenthood be reported to the House Committee on Health and Welfare and the House Committee on Commerce by the department receiving such application; and that the City of New Orleans Department of Safety and Permits require plans for the sanitary disposal of human remains for the safety and welfare of Louisiana residents.

### FOOD SAFETY/SANITARY CODE

#### **HB 337 by Lorusso** *(Last Action – Sent to Governor)*

Codifies in statute the current office of public health (OPH) rules within the La. Administrative Code relative to permitting fees for retail food establishments under the state Sanitary Code, and increases retail food establishment fee amounts by approximately 50%.

#### **SB 18 by Ward** *(Last Action – Sent to Governor)*

Prior to the August 1, 2013, effective date of SB 18's provisions, Louisiana statutes known as the "jams and jellies" law (akin to other states' statutes known as "cottage food" laws) provided that the state Sanitary Code and other food safety regulations do not apply to the preparation of jellies, preserves, jams, honey, and honeycomb products in the home for sale when the preparer's gross annual sales of such products is less than \$5,000. SB 18 expands this exemption from food safety regulations to cakes and cookies prepared in the home for sale, and raises to \$20,000 the gross annual sales threshold qualifying a preparer of any of the designated foods for the exemption. Legislative committees amended SB 18 as it advanced through the process to apply selected food safety provisions to the preparation of cakes and cookies, but not to the other foods covered by the prior law. The measure retains a provision of law declaring that nothing therein shall be construed to allow the sale or distribution of any unwholesome food.

#### **SB 58 by Buffington** *(Last Action – Sent to Governor)*

SB 58 was filed pursuant to a February, 2013, incident in which the Department of Health and Hospitals ordered the Shreveport-Bossier Rescue Mission to discard 1,600 pounds of deer meat that the mission's meal distribution program had received as a donation. The department's interpretation of the state Sanitary Code led to its determination that the meat did not satisfy existing regulations

concerning distribution of food to the public. SB 58 revises state law to provide explicitly that it shall be lawful for a charitable organization to receive or use any commercial or game fish, migratory or resident game bird, game quadruped (including deer), alligator, or feral hog in food or meal distribution.

### HEALTH PROFESSIONALS

#### **HB 281 by Simon** *(Last Action – Sent to Governor)*

HB 281 establishes an integrated behavioral health services provider license for providers of mental health services, substance abuse/addiction treatment services, or a combination of such services, and repeals the existing separate licensing statutes for mental health clinics and substance abuse/addiction treatment facilities.

#### **HB 527 by Hoffmann** *(Last Action – House Calendar)*

Would have authorized optometrists to perform unspecified ophthalmic surgery procedures independent of oversight by the state's regulatory board for physicians, and to prescribe hydrocodone.

#### **HB 569 by Brown** *(Last Action – House Committee)*

Would have authorized physical therapists to render physical therapy treatment without a prescription or referral by a physician, dentist, podiatrist, or chiropractor.

#### **SB 134 by Morrell** *(Last Action – Sent to Governor)*

SB 134 establishes in state law the profession of behavior analyst through enactment of the Behavior Analyst Practice Act. The Act defines "behavior analysis" as the design, implementation, and evaluation of systematic instructional and environmental modifications by a behavior analyst to produce socially significant improvements in a person's behavior. Pursuant to the Act's provisions, behavior analysts are to be licensed by the newly created Louisiana Behavior Analyst Board.

### HEALTH/SMOKING

#### **HB 111 by Hoffmann** *(Last Action – Vote on Conference Committee Report Pending/Senate)*

Would have prohibited outdoor smoking within 25 feet of publicly accessible entrances and wheelchair ramps of state office buildings.

## HOUSE AND GOVERNMENTAL AFFAIRS

### **HB 85 by Badon** *(Last Action – House Committee)*

Would have prohibited a state employer from subjecting employees to different standards of treatment or otherwise from discriminating in employment on the basis of sexual orientation, gender identity, or gender expression. Would have defined "employment" to include recruitment, opportunity for employment, hiring, firing, a disciplinary action of any kind, promotion, tenure, compensation paid, and any other term, condition, privilege, or status of an individual's employment.

### **HB 87 by Carmody** *(Last Action – House Calendar/Reconsideration Pending)*

Would have removed postsecondary education tuition and fees from the constitutional requirement that any new fee or civil fine or increase in an existing fee or civil fine imposed by any board, department, or agency of the state be enacted by two-thirds vote of the elected members of each house of the legislature.

### **HB 352 by Harrison** *(Last Action – Sent to Governor)*

Abolishes the Office of Elderly Affairs in the office of the governor. Creates the Dept. of Elderly Affairs as its successor, and makes the department responsible for the programs and functions of the abolished office. Provides that funding for purposes, functions, and programs of the office and the department be appropriated or allocated only to the office or the department. Creation of the department will become effective with the abolition of an existing department or a constitutional amendment authorizing an additional department.

### **HB 131 by James** *(Last Action – Sent to Secretary of State)*

### **SB 1 by Claitor** *(Last Action – Conference Committee)*

Requires legislation relative to tax rebates, tax incentives, and tax abatements to be introduced or considered by the legislature in regular sessions commencing in odd-numbered years when other tax matters are introduced and considered.

### **HB 387 by Schroder** *(Last Action – Senate Committee)*

Would have prohibited reprisals against public employees for providing information to a legislator or legislative committee upon request of a legislator or legislative committee. Would not have applied to information that the public employee knows or reasonably should know is false. Would have required that the request for information be made in writing or during a public meeting. Would have included the prohibition in the Code of Governmental Ethics, thereby making violations subject to the penalties and enforcement procedures applicable to other provisions of the code.

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## House & Governmental Affairs



**SB 61 by Morrish** (*Last Action – Sent to Governor*)

Click [Here](#) for the Veto Message.

Provides an exception to the prohibition in the ethics code against a public servant or legal entity in which the public servant exercises control or owns an interest in excess of 25% from receiving any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person who has or is seeking to obtain a contractual or other business or financial relationships with the public servant's agency. Allows a member of a governing authority of a municipality with a population of 5,000 or less according to the latest decennial census, or a legal entity in which the member exercises control or owns an interest in excess of 25% to perform bona fide compensated services for any person who has or is seeking to obtain a contractual or other business or financial relationship with the municipality subject to the following requirements:

- (1) The governing authority member recuses himself on all matters involving the municipality and the person.
- (2) The terms and conditions of the services performed by the governing authority member are customary and reasonable and the compensation received by the governing authority member is commensurate with the level of the service provided.

**SB 148 by LaFleur** (*Last Action – Sent to Governor*)

Amends the definition of "public employee" in the ethics code to exclude a person whose public service is limited to a contract to provide attest services as a certified public accountant. Excludes the application of the ethics code to the person based on such a contract.

# INSURANCE

## PROPERTY INSURANCE

### **HB 148 by Pierre** *(Last Action – Act No.101)*

Extends period of time in which an applicant for motorcycle insurance must provide proof of appropriate license endorsements to the insurer, in order to obtain and retain such motorcycle insurance. Whereas prior law required a person applying for motorcycle insurance to submit proof of the appropriate license endorsements to the insurer within thirty days and contained conflicting provisions with respect to the time period, Act 101 requires that all initial applicants for motorcycle insurance provide proof of appropriate license endorsements to an insurer within ninety days of application.

### **HB 257 by Ritchie** *(Last Action – Sent to Governor)*

Adds a member, to be appointed by the commissioner of insurance from a list submitted by the Louisiana chapter of the National Association of Insurance and Financial Advisors, to the Louisiana Citizens Property Insurance Corporation's board of directors; changes quorum requirement from seven to eight members.

Further requires that, prior to the corporation's implementation of any rate increase in excess of twenty-five percent in any one parish on wind and hail coverage, the corporation's board of directors shall notify the House and Senate committees on insurance. Upon this notification, the chairman of either committee or a majority of either committee's membership may request a joint meeting to study the basis and methodology for such increase.

### **SB 120 by Walsworth** *(Last Action – Act No. 23)*

Provides that, subject to approval by the commissioner of insurance, a captive insurer may take credit for reserves on risks or portions of risks ceded to a reinsurer or to a pool, exchange, or association acting as a reinsurer.

## HEALTH INSURANCE

### **HB 414 by Huval** *(Last Action – Sent to Governor)*

Allows a producer of health and accident insurance to receive reimbursement from the insured for expenses and to charge a reasonable agency fee related to the services provided by the producer to health and accident insurance policies. Further requires health insurance issuers to establish one or more schedules of commission for the sale of each health insurance product by an insurance producer while also allowing health insurance producers to negotiate charges, fees, and any other forms of compensation directly with the insured, plan sponsor, or employer group.

### **HB 592 by Thibaut** *(Last Action – Sent to Governor)*

Enacts the Network Adequacy Act to provide standards for the creation and maintenance of networks by health insurance issuers assuring the adequacy, accessibility, and quality of health care services offered to covered persons under its health benefit plans. Requires a health insurance issuer who provides a health benefit plan, not including excepted benefits policies, to maintain a network that is sufficient in numbers and types of health care providers to ensure that all health care services to covered persons will be accessible without unreasonable delay.

### **HB 638 by Stokes** *(Last Action – Sent to Governor)*

Upon implementation of the federal Patient Protection and Affordable Care Act, provides for the cessation of the Louisiana Health Plan by authorizing the plan's board of directors to take all actions it deems necessary to cease enrollment for plan coverage and to terminate all existing plan coverage by Dec. 31, 2013. Further requires the plan's board of directors to take reasonable steps to assist individuals currently covered by the plan as they transition into the individual health insurance market.

### **HB 645 by Cromer** *(Last Action – Sent to Governor)*

Provides uniform standards for the establishment and maintenance of external review procedures to assure that covered persons have the opportunity for an independent review of an adverse determination or final adverse determination. Further requires that health insurance issuers implement effective processes for appeal of coverage determinations and claims pursuant to provisions of applicable federal law.

Further specifies that such appeal processes shall, at a minimum, have in effect an internal claims appeal process and provide notice to covered persons of available internal and external appeals processes.

## **MISCELLANEOUS**

### **HB 291 by Price** *(Last Action – Act No. 85)*

Adds the Louisiana Association of Health Plans, the Independent Insurance Agents and Brokers of Louisiana, the Monroe chapter of the National Association for the Advancement of Colored People, the Southwest Louisiana Black Chamber of Commerce, and the Louisiana Black Chamber of Commerce to the list of organizations responsible for nominating persons to the Advisory Committee of Equal Opportunity within the Department of Insurance. Further provides that the Department of Insurance's deputy commissioner for minority affairs will serve as chairperson for the committee; cites quorum requirement as a majority of membership, provided at least ten members are present.

## Insurance

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### **SB 53 by Erdey** *(Last Action – Act No. 21)*

Increases the number of approved instruction credit hours a title insurance producer must obtain prior to license renewal from six to twelve.

### **SB 180 by Erdey** *(Last Action – Sent to Governor)*

Permits the commissioner of insurance to issue a commission authorizing any deputy commissioner of insurance fraud or any compliance investigator who is P.O.S.T.-certified to carry and use firearms. Further authorizes the division of insurance fraud to have access to computer systems and information maintained for the use of law enforcement personnel contained in the criminal history record and identification file of the La. Bureau of Criminal Identification and Information, as well as direct access to information compiled by the Federal Bureau of Investigation for the purposes of carrying out the division's responsibilities.

## JUDICIARY

### CLERKS OF COURTS

#### **HB 174 by Arnold** *(Last Action – Sent to Governor)*

Authorizes an annual 4% increase for clerks of district courts through FY 2016-2017.

Requires that the applicable fiscal year compensation be used to calculate the increase authorized for approved completion of the clerks of court certification program.

Requires a clerk to complete the annual certification update and renewal course to be eligible to receive the salary increase.

### CORONERS

#### **HB 561 by T. Burns** *(Last Action – Sent to Governor)*

Removes all provisions for the coroner of St. Tammany Parish to directly receive all tax revenues collected from the ad valorem tax levied by the police jury and approved by a majority of the electors of the parish and to be responsible for the fiscal operation of the coroner's office.

Requires the governing authority of St. Tammany Parish to receive all tax revenues collected from an ad valorem tax levied by the parish for coroner purposes and approved by a majority of the voters including any extensions or renewals to be deposited into a special account and expended solely for the purposes set forth in the tax proposition.

Requires the coroner's office to transfer any and all funds on hand received from the ad valorem tax to the governing authority less and except amounts needed for operation for the remainder of the 2013 calendar year.

Requires the governing authority to establish an annual salary in lieu of all fees and services for the coroner and all employees associated with the operation of the coroner's office to be funded from the revenues collected from the ad valorem tax and paid by the governing authority.

Prohibits the coroner from owning or acquiring any immovable property and requires all previously owned immovable property owned by the parish that was transferred to the coroner's office to be transferred back to the parish free and clear of all mortgages, liens, or other incumbrance within six months.

Requires, within six months, the governing authority and the coroner to enter into a restated cooperative endeavor agreement.

# Judiciary

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## JUDGES

### **SB 188 by Martiny** *(Last Action – Sent to Governor)*

Provides for a salary increase for judges of the supreme court, courts of appeal, and district courts in the following amounts: 5.5% for supreme court judges; 3.7% for appellate court judges; and 4% for district court judges. Beginning on July 1, 2014, provides for an automatic annual increase of 2.1% through 2017.

Provides that the state-paid salary of city and parish court judges shall be increased in the amount of 4%. Beginning on July 1, 2014, provides an automatic annual increase of 2.1% through 2017.

### **HB 607 by Moreno** *(Last Action – Senate Committee)*

Would have abolished Section "D" of the Orleans Parish Juvenile Court effective Dec. 31, 2014, at midnight and would have removed Section "D" as a special division of court with exclusive jurisdiction over child in need of care proceedings, effective Dec. 31, 2014.

Would have required the first judgeship that became vacant by death, resignation, retirement, or removal during the term of office on or after Dec. 31, 2014, at midnight to be abolished the following day.

Would have required the allocation of any funding from the city of New Orleans for judgeships to be allocated for juvenile services within the city of New Orleans upon the abolishment of those judgeships.

Would have required all cases of the abolished section to be reallocated equally by the clerk of court among the remaining sections of the court.

### **SB 5 by LaFleur** *(Last Action – Failed to Pass/House)*

Would have deleted provisions of the constitution prohibiting a judge from remaining in office beyond his 70<sup>th</sup> birthday and from completing a term of office if a judge who attains the age of 70 while serving a term of office.

## TOBACCO ENFORCEMENT

### **HB 641 by Thompson** *(Last Action – Sent to Governor)*

Provides for restrictions on transactions of unstamped cigarettes, adds requirements for manufacturers not participating in the tobacco Master Settlement Agreement, and provides for the duties of the attorney general, secretary of the Dept. of Revenue, and the commissioner of the office of alcohol and tobacco control.

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## **Judiciary**

Provides for the addition of a new permit designation, a stamping agent designation (as a particular permit other than a general wholesale dealer) to dealers that engage in the business of purchasing unstamped or non-tax paid cigarettes (or roll-your-own).

Requires all packages of cigarettes sold in or into the state to bear a tax stamp and provides for the requirements relative to stamping agents affixing the tax stamps.

## LABOR AND INDUSTRIAL RELATIONS

### DISCRIMINATION IN EMPLOYMENT

#### **HB 453 by Norton** *(Last Action – House Committee)*

Would have added wage discrimination between the sexes to the statute prohibiting discrimination in employment based on race, color, religion, sex, and national origin.

#### **SB 153 by Murray** *(Last Action – Sent to Governor)*

Created the Equal Pay for Women Act, which requires equal pay for equal work for women in state employment.

#### **HCR 145 by Leger** *(Last Action – Filed with the Secretary of State)*

Creates the Louisiana Fair Pay Task Force to study and make recommendations relating to fair pay issues in the state of Louisiana. The task force shall be created no later than August 1, 2013, and shall gather information from sources including the federal census and various agencies within Louisiana. The task force is required to study the wage disparities between the sexes, any factors that may contribute to the wage disparities, and the consequences of wage disparities on Louisiana families, and develop a plan of action, including policy recommendations and legislation that are likely to lead to the prevention and elimination of wage disparities between the sexes.

### EMPLOYMENT

#### **HB 651 by Hodges** *(Last Action – House Committee)*

Would have required the operators of sexually oriented businesses to retain age and work status verification documents for each employed exotic dancer for a period of 3 years after the last day of work to prevent human trafficking. Would have further required the operator to ask each prospective exotic dancer a series of questions to determine if the exotic dancer is being trafficked. The operator would have been required to report any suspected human trafficking to the authorities.

### LABOR ORGANIZATIONS

#### **HB 552 by Seabaugh** *(Last Action – House Committee)*

Would have removed the authority for public employees to have union dues withheld as authorized payroll deductions.

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## Labor & Industrial Relations

### UNEMPLOYMENT

#### **HB 566 by Dixon** *(Last Action – Act No. 48)*

This legislation was introduced in order to provide the framework for Louisiana to join the Interstate Reciprocal Overpayment Recovery Arrangement, which is a cooperative arrangement to provide for the recovery of improper payments of state and federal unemployment compensation benefits.

HB 566 allows the administrator to enter into reciprocal overpayment recovery arrangements with federal and state agencies. It provides the procedure for the recovery of the overpayment of benefits, notice to the claimant, and for the offset of benefits payable for each week claimed. The bill further requires the recovering state to forward a payment representing the amount recovered to the requesting state.

### WORKERS' COMPENSATION

#### **HB 728 by Cromer** *(Last Action – Sent to Governor)*

Requires notice to the employee before the first payment of compensation, and upon any payment, modification, suspension, termination, or controversion of compensation or medical benefits. Further requires that all parties to the workers' compensation suit be notified on the same day and in the same manner of any hearing date, and provides for time periods and procedures for disputes and for instances in which penalties may be assessed.

#### **HB 450 by Ivey** *(Last Action – Sent to Governor)*

Allows the office of workers' compensation administration to hire an associate medical director, provides for his qualifications, and describes the procedure for any conflict of interest. Also provides that when an illness or injury is not covered by the medical treatment schedule, the employer is required to pay for the treatment if the employee can demonstrate by a preponderance of scientific evidence that the treatment is appropriate.

# MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS

## LOCAL GOVERNMENT

### **HB 217 by Arnold** *(Last Action – House Committee)*

Would have prohibited the governing authority of a parish or municipality from imposing a civil fine for a violation of any traffic law, ordinance, rule, or regulation based on evidence captured by an automated traffic enforcement system, unless the imposition of civil fines had been authorized by the voters of the parish or municipality. Would have authorized any governing authority that had imposed civil fines prior to the effective date of HB 217 to continue to do so until July 1, 2014, without an election.

### **HB 725 by Greene** *(Last Action – Sent to Governor)*

Amends existing law that provides for appointment of a fiscal administrator for a political subdivision by a court when the attorney general, the legislative auditor, and the state treasurer decide that the political subdivision will not be able to pay expenditures or will fail to make a debt service payment. Provides that failure of a political subdivision to provide an audit required by law to the legislative auditor for three consecutive years shall be prima facie evidence that the political subdivision will not be able to pay expenditures and will require the court to appoint a fiscal administrator, unless the political subdivision can establish that it has an audit for one of the three years. Also gives the public administrator certain specified authority with court approval, including formulating budgets, approval or disapproval of contracts, appointment and control of personnel, changing job responsibilities, reorganization of departments and offices, and making an appropriation, contract, or expenditure. Requires cooperation of political subdivision officers and employees with a fiscal administrator and requires that they provide the administrator with requested information. Provides for penalties for violation of the law as amended and provides that such violations are prima facie evidence of malfeasance in office and gross misconduct.

### **SB 44 by Nevers** *(Last Action – Sent to Governor)*

Authorizes the governing authority of the city of Bogalusa, subject to voter approval, to levy and collect a provider fee on the operation of all hospitals within the city. Requires that the provider fee be equal to the gross receipts from the operation of the hospital multiplied by a rate that cannot exceed 6%, or at such maximum provider fee rate that the city determines is authorized by federal law. Requires that monies collected be paid into the Bogalusa Health Services Fund, a special fund created in the state treasury pursuant to SB 44. Requires that monies in the fund be appropriated by the legislature only to the Dept. of Health and Hospitals to be used solely for state expenses for the Medicaid program within the city as provided for in a cooperative endeavor agreement between the department and the city, limited to those programs and expenses for which a federal match under Title XIX of the Social Security Act is available.

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## Municipal, Parochial & Cultural Affairs



**SB 50 by Erdey** (*Last Action – Sent to Governor*)

Click [Here](#) for the Veto Message.

Creates the Juban Crossing Economic Development District Fund in the state treasury into which the proceeds of 1% of state sales tax generated within the Juban Crossing Economic Development District (except hotel/motel room rentals) up to \$45 million total, will be deposited for infrastructure, construction, site preparation, public improvements, etc. in accordance with the district's plans for as long as the project is generating sales tax. If the money is pledged for bonds, the revenue reverts to the state general fund upon payment of bonds. If no bonds are sold, the proceeds continue to accumulate in the Juban Crossing fund until \$45 million is deposited. The Department of Revenue is authorized to retain 1%, up to \$10,000 per year, for administration costs.

### FIRE AND POLICE

**HB 128 by Jones** (*Last Action – Sent to Governor*)

Provides that compensation in the amount of \$250,000 shall be paid to the surviving spouse, child, or other beneficiary of a regularly employed or volunteer fireman or law enforcement officer of any federally or state recognized Indian tribe who suffers death as a result of an injury arising out of and in the course of the performance of his official duties or arising out of any activity, in his capacity as a fireman, in the protection of life and property.

**HB 382 by Berthelot** (*Last Action – Sent to Governor*)

Creates a volunteer firefighters' tuition reimbursement program to provide tuition reimbursement to eligible volunteer firefighters attending a public college, university, or vocational or technical school and creates the Volunteer Firefighters' Tuition Reimbursement Fund in the state treasury for the deposit of state general fund monies if available and appropriated by the legislature. The fund may also include federal funds, donations, or other monies that may be provided; however, no monies from the state general fund can be deposited or appropriated into the fund unless two-thirds of the elected members of each house of the legislature consent to the deposit or appropriation. Creates the Volunteer Firefighters' Tuition Reimbursement Board within the Dept. of Public Safety and Corrections, office of state fire marshal, composed of seven members who will serve without compensation. The board will determine recipients based on eligible applicants.

**HB 399 by Danahay** (*Last Action – Sent to Governor*)

Requires persons appointed to the office of state examiner and deputy state examiner to have experience in personnel administration, classification, or employment testing in a classified civil service system; provides that selection preference may be given to persons with such experience in the municipal fire and police classified civil service system. Requires that the persons appointed to both offices be qualified voters of the state and serve on a full-time basis. Provides the pay range to which the positions of state examiner and deputy state examiner are assigned. Requires the State

## Municipal, Parochial & Cultural Affairs ---

Civil Service Commission to make provisional appointments within 30 days of a vacancy in the office of state examiner or deputy state examiner and requires the commission to appoint any person on the eligibility list with experience required by HB 399.

### **HB 663 by Harris** *(Last Action – Sent to Governor)*

Relative to the classified fire and police service, increases the maximum period of time for which a name may remain on the promotional employment list established and maintained by the board from 18 to 48 months. Clarifies that a person appointed to a position in the classified service shall be a probational employee during the working test period. Requires that the employee be reported to the board as a probational employee within 15 days of his appointment. With respect to any employee in a position of a promotional class of the classified police service, provides that any such employee who has served less than three months of his working test may be removed with prior approval of the board. Provides that employees in positions of the promotional class who are rejected after having served at least three months of their working test may appeal their removal.

## **TOURISM**

### **SB 242 by Murray** *(Last Action – Sent to Governor)*

Authorizes a tourism organization, under authority of its articles or bylaws, to levy a hotel assessment of up to 1.75% of the daily room charge upon its hotel members in Orleans Parish; proceeds of the assessment are to be used for destination marketing, sales, public relations, and for other matters deemed by the tourism organization to benefit economic development, the traveler economy, and tourism growth. Requires that the assessment be approved by resolution of the board of directors of the tourism organization and ratified by a vote of the assessed hotels in a referendum conducted in accordance with SB 242. Provides that a hotel operator shall not be liable for payment of the assessment for any time period in which the operator is not a member of the tourism organization.

# NATURAL RESOURCES AND ENVIRONMENT

## SALT DOME STORAGE AND MINING

### **HB 493 by St. Germain** *(Last Action – Sent to Governor)*

Requires the commissioner of conservation to make, after notice and hearings, any reasonable rules, regulations, and orders that are necessary to control solution mining injection wells, the permitting of such wells, and the resulting solution mined cavern.

Provides that the rules and regulations adopted pursuant to the Administrative Procedure Act shall provide for, though not be limited to the following:

- (1) Submission of site assessments and updates of the stability of salt stock and overlying and surrounding sediment based on past, current, and future well and cavern operations.
- (2) Submission of current and proposed caverns in relation to other caverns and the edge of the salt stock provided on maps and cross-section depictions based on best available information and updated at least every five years.
- (3) Notification of well inactivity and conclusion of mining operations.
- (4) Setback distances for new caverns from the edge of the salt stock.
- (5) Enhanced monitoring of existing caverns within the setback distance from the edge of the salt rock.
- (6) Permit requirements to provide assistance to residents of areas in immediate potential risk due to a sinkhole or other incident that requires evacuation. Permit requirements to reimburse the state or any political subdivision for reasonable and extraordinary costs in responding to or mitigating a disaster or emergency due to a violation of proposed law or a rule, regulation, or order promulgated or issued pursuant to proposed law. Specifies that such costs are subject to approval by the director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and payments are not an admission of responsibility or liability.
- (7) Criteria considered in deciding to approve the implementation of a closure plan of a solution mining injection well.
- (8) Submission and maintenance of post-closure plans to include subsidence monitoring, corrective action, and site remediation.

## Natural Resources & Environment

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- (9) Evidence of financial security to be maintained for closure and post-closure costs.
- (10) Department protocols to ensure that all oil and gas activity within the vicinity of a salt dome shall be considered during the permitting process for any solution mine permit.

### **HB 494 by St. Germain** *(Last Action – Sent to Governor)*

Requires the seller of property to disclose whether or not a cavity created within salt stock by dissolution with water lies under the property or whether the property is within 2,640 feet of a solution mining injection well.

Further requires the owner or operator of a solution mined cavern to provide notification of the location of such cavern in the mortgage and conveyance records of the parish where the property is located. If the owner or operator fails to provide such notification, the commissioner may cause such notice to be recorded. Requires the clerk of court to forward a copy of each notice recorded to the office of conservation.

Provides that failure of an owner to file, or to ensure that the operator files, the required notice may constitute grounds for an action in redhibition unless the purchaser has actual or constructive knowledge that the property overlays or is in proximity to a solution mined cavern.

### **SB 139 by Sen. Ward** *(Last Action – Sent to Governor)*

Provides that any person found to be in violation of any requirement, rule, regulation, or order related to the drilling or use of underground caverns issued by the commissioner may be liable for a civil penalty, to be assessed by the commissioner or the court, of not more than the cost to the state of any response action made necessary by the violation and a penalty of not more than \$32,500 per day of the violation. Further provides that if the violation is done intentionally, willfully, or knowingly, and results in either a discharge or disposal which causes severe damage to the environment or endangers human life or health, the person may be liable for an additional penalty of not more than \$1 million.

Provides that any person found to be in violation of any rule, regulation, or order related to the drilling or use of underground caverns may be subject to revocation or suspension of any permit, license, or variance that has been issued.

Provides that any person who has been issued a compliance order or a cease and desist order and who fails to take corrective action within the time specified will be liable for a civil penalty to be assessed by the commissioner or the court of no more than \$50,000 per day of the violation. Provides criteria for assessing the amount of the penalty.

Requires the commissioner to provide an opportunity for relevant and material public comment

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## Natural Resources & Environment

relative to any penalty which may be imposed at a penalty determination hearing.

Provides that if the penalty assessed by the commissioner is upheld in full or part, the commissioner will be entitled to legal interest. Further provides that if the penalty is vacated or reduced as a result of an appeal of the assessment, the respondent will be awarded legal interest by the court.

### **WILDLIFE AND FISHERIES COMMISSION/DEPARTMENT**

**HB 426 by Armes** (*Last Action – Sent to Secretary of State*) (Constitutional Amendment)

**HB 503 by Armes** (*Last Action – Sent to Governor*) (Statutory implementation)

Requires that two of the at-large members of the Louisiana Wildlife and Fisheries Commission be residents of parishes from north of a line created by the northern boundary of the parishes of Beauregard, Allen, Evangeline, Avoyelles, and Pointe Coupee.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 4, 2014. Effective Jan. 1, 2015.

**SB 84 by Sen. Riser** (*Last Action – Sent to Governor*)

Allows individuals who purchase fishing or hunting licenses to make a donation to Hunters for the Hungry at the time of purchase of the license. Establishes the Hunters for the Hungry Account subject to annual audit by the legislative auditor.

Provides that no more than 10% of the monies in the account may be used for administrative costs and the remaining balance be used solely by Hunters for the Hungry for the processing and distribution of meats by not-for-profit or charitable organizations.

Requires that at the end of each calendar year Hunters for the Hungry submit to the House Natural Resources and Environment Committee and the Senate Committee on Natural Resources a report detailing the revenue and expenditures of the account and a description of the organization's activities related to the account.

**SB 167 by Sen. Chabert** (*Last Action – Sent to Governor*)

Transfers the Seafood Promotion and Marketing Board from the Department of Wildlife and Fisheries to the Department of Culture, Recreation and Tourism and provides for appointment of 13 members of the board by the lieutenant governor, subject to Senate confirmation.

Requires the board to submit annually to the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs a report that describes the accomplishments and contributions of the board toward achieving the mission of promoting

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Louisiana seafood, and include the budget of the board for that fiscal year and for the following fiscal year

Authorizes the lieutenant governor to appoint an executive director from a list of nominees submitted by the board. Provides that the executive director shall serve at the pleasure of the lieutenant governor at a salary fixed by the lieutenant governor. Further provides that the executive director shall be subject to the control, jurisdiction, and supervision of the secretary of the Department of Culture, Recreation and Tourism. Further authorizes the employment of such other personnel as the secretary deems necessary and appropriate.

Provides that the monies in the Oyster Development Fund shall be administered only by the Louisiana Oyster Task Force. Further authorizes the task force to contract with the board to promote the Louisiana oyster industry.

Provides that the monies in the Shrimp Marketing and Promotion Fund shall be administered only by the Louisiana Shrimp Task Force. Further authorizes the task force to contract with the board to promote the Louisiana shrimp industry.

Provides that the monies in the Crab Promotion and Marketing Fund shall be administered only by the Crab Task Force. Further authorizes the task force to contract with the board to promote the Louisiana crab industry.

Provides for appropriation of the monies in the Seafood Promotion and Marketing Fund to the Department of Culture, Recreation and Tourism.

Effective July 1, 2013.

### **HB 376 by Rep. Stuart Bishop** *(Last Action – Sent to Governor)*

Authorizes the Department of Wildlife and Fisheries to establish a mooring program in the Atchafalaya Delta Wildlife Management Area (WMA). Provides that a maximum of 40% of the mooring sites be leased through a bidding process and the remaining sites be leased through a lottery system. Establishes fees of \$300 for two pilings or \$500 for three or more. Limits the fees for the "premium" sites to no less than 110% of those available through the lottery system.

Creates the Atchafalaya Delta WMA Mooring Account in the Conservation Fund and provides that revenues received from payments for mooring access fees be placed in the fund. Provides that the monies in the fund be used exclusively for development, construction, maintenance, and dredging of the mooring sites in the Atchafalaya Delta WMA. Requires an annual report of revenues and expenditures in the program to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources.

Effective on signature of governor or lapse of time for gubernatorial action.

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## Natural Resources & Environment

### STATE PROPERTIES

#### **HB 720 by Abramson** *(Last Action – Sent to Governor)*

Authorizes the transfer or lease of the New Orleans Adolescent Hospital to Children's Hospital, New Orleans, removes requirement of certain conditions in a lease agreement between the parties, adds certain requirements for additional services, provides for reallocation of capital outlay funds, provides for the development and infrastructure of Children's Hospital, and requires Children's Hospital to submit a report to certain legislators and committees on certain services.

### OIL SPILL RESPONSE FUND

#### **HB 636 by Danahay** *(Last Action – Sent to Governor)*

Provides a means of financing for oil spill response activities by the state of Louisiana through the imposition of a fee on crude oil transferred to refineries. Levies the fee at one-fourth cent per barrel until such time as an unauthorized release of oil has occurred or certain other conditions are met.

Provides that the fee is to be levied at one-half cent per barrel under the following conditions until the fund balance reaches \$7 million:

- (1) If the oil spill coordinator certifies to the secretary of the Department of Revenue in writing that the balance in the fund is less than \$5 million and that an unauthorized discharge of oil in excess of 100,000 gallons has occurred within the previous 12 months.
- (2) If the coordinator certifies in writing to the secretary of the Department of Revenue that the balance in the fund is less than \$5 million due to expenditures from the fund for:
  - (a) Certain administrative and personnel expenses of the office coordinator not to exceed \$600,000.
  - (b) Removal costs related to abatement and containment of actual or threatened unauthorized discharges of oil incidental to unauthorized discharges of hazardous substances.
  - (c) Removal costs and damages related to actual or threatened unauthorized discharges of oil as provided in this Chapter.
  - (d) Operating costs and contracts for response and prevention exclusive of administrative and personnel costs of the office of the coordinator, provided that during a declared state of emergency or disaster, more than \$600,000 may be

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expended upon approval of the commissioner of administration and the Joint Legislative Committee on the Budget.

Removes the \$30 million limit on the fund.

Notwithstanding any other provision of law, requires the one-half cent per barrel fee be levied until December 31, 2015.

Requires the Oil Spill Interagency Council to study the Oil Spill Contingency Fund and its uses, revenues, and expenditures, with specified issues enumerated, and report its findings and recommendations to the House Committees on Appropriations and Natural Resources and Environment and the Senate Committees on Finance and Natural Resources no later than January 31, 2014.

Provides that the last two items become effective upon signature of the governor or lapse of time for gubernatorial action. The remainder of the bill becomes effective on July 1, 2014.

# RETIREMENT

## CASH BALANCE PLAN

### **HCR 2 by Harrison** *(Last Action – Adopted)*

Suspends until July 1, 2014, the provisions of the Cash Balance Plan enacted in the 2012 Regular Session of the Legislature. As originally enacted, the Cash Balance Plan creates a new benefit structure (similar to a 401(k) but without risk of loss) for new state employees hired on or after July 1, 2013.

### **SB 16 by Long** *(Last Action – House Calendar)*

Would have required postsecondary education governing boards to adopt annual rates for employer contributions to the accounts of Optional Retirement Plan members. The minimum rate would have been the rate equal to the employer normal cost rate of the Cash Balance Plan and the maximum rate would have been the employer normal cost rate of the regular retirement plan. If a board failed to adopt a rate for a given fiscal year, the default rate for that year would have been the maximum rate.

## GOVERNMENTAL EMPLOYERS

### **HB 727 by Seabaugh** *(Last Action – Senate Committee)*

Would have prevented certain non-public employers from enrolling employees hired on or after September 1, 2013, in the Teachers' Retirement System of Louisiana.

## COST-OF-LIVING ADJUSTMENT

### **HB 46 by Price** *(Last Action – Sent to Governor)*

Authorizes a cost-of-living adjustment of up to 3.75% of the benefit for certain retirees and beneficiaries of the Louisiana School Employees' Retirement System. To qualify for the adjustment, a member must have retired prior to July 1, 2001, or have entered the Deferred Retirement Option Plan prior to July 1, 2001, and terminated employment prior to July 1, 2012.

# TRANSPORTATION, HIGHWAYS, AND PUBLIC WORKS

## TRAFFIC

### **HB 47 by Hollis** *(Last Action – House Committee)*

Would have restricted the issuance of certain red light traffic citations and the imposition of certain civil penalties only if the vehicle documented in violation of traffic laws is registered to that alleged violator at an address located in a parish or municipality which also utilizes an automated traffic enforcement system.

### **HB 470 by Willmott** *(Last Action – Senate Calendar)*

Prohibits drivers from transporting dogs, of any breed, in the back of pickup trucks or utility trailers on interstate highways within this state, unless the dogs are enclosed in a crate, container, or cage which is ventilated and safely secured to the motor vehicle or utility trailer.

The penalty for transporting one dog in violation of proposed law is a fine of not more than \$150. An additional fine of \$50 per dog will be imposed for each additional dog transported at the same time in violation of proposed law.

### **SB 147 by Erdey** *(Last Action – Act No. 62)*

Prohibits any device from being used to access, read, or post to a social networking site while operating a motor vehicle and requires tests administered to driver's license applicants assess an applicant's knowledge of distracted driving issues.

## DRIVER'S LICENSES

### **HB 395 by Guinn** *(Last Action – Senate Calendar)*

Would have required that the words "situs inversus totalis" be exhibited on the driver's license, regardless of its class, and special identification cards, upon request and presentation of documentation from a physician certifying that the person has such condition.

Present law directs the Department of Public Safety and Corrections (DPS&C) not to implement the provisions of the Federal Real ID Act of 2005 or the PASS ID Act.

The Senate Committee on Transportation, Highways, and Public Works added an amendment which would have required, effective January 1, 2014, that the DPS&C, upon request, issue REAL ID compliant driver's licenses and special identification cards. Further would require the department to, in the event an individual elects not to be issued a REAL ID compliant driver's license or special

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## Transportation, Highways & Public Works

identification card, issue such license or card with an indication on the driver's license or special identification card is not compliant with federal REAL ID regulations and the words "Not for federal identification." Further provided that pursuant to the REAL ID Act of 2005, if changes to the federal rules are promulgated after January 31, 2013, then such changes would require oversight and approval by the House and Senate Committees on Transportation, Highways, and Public Works.

### **HB 703 by Edwards** *(Last Action – Sent to Governor)*

Requires any person hired or employed in an unclassified position, and whose annual salary or rate of compensation is equal to, or exceeds \$100,000, to provide proof to his public employer that he has been issued a Louisiana driver's license and that all vehicles registered in his name are registered in Louisiana. Such proof is deemed a qualification for the position for which the person was employed or hired, and for the duration of the person's employment in the event the person's salary is increased and the requirements of new law are triggered.

Requires all government agencies which hire or employ any person in an unclassified position, whose annual salary or rate of compensation is equal to, or exceeds \$100,000, to verify that such person has been issued a Louisiana driver's license and that all vehicles registered in his name are registered in Louisiana.

Requires the public employer to verify that employees to which these provisions apply meet the requirements for the duration of all such persons' employment.

Provides that any person hired or employed in an unclassified position who does not meet the new requirements, or who no longer meets the driver's license and motor vehicle registration requirements, shall be removed and terminated within 30 days of the public employer learning such person does not meet the new requirements.

### **SB 201 by Mills** *(Last Action – Act No. 55)*

Provides for exhibition of the designation "I'm a Cajun" in the color black below the person's photograph on a driver's license or identification card, upon request and payment of an additional annual fee of \$5.

Provides for collection of the fee by the Department of Public Safety and Corrections and quarterly disbursement of monies collected to the Council for the Development of French in Louisiana (CODOFIL) and requires CODOFIL to disburse the monies received from the fee solely to fund scholarships for its "La Fondation Louisiane for the Escadrille Louisiane" scholarship program.

# Transportation, Highways & Public Works

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## MOTOR VEHICLES

### **HB 170 by Landry, T.** *(Last Action – Senate Committee)*

Would have provided that no vehicle shall be equipped with certain wheel equipment that extends outside the body of a vehicle when viewed from directly above which incorporate winged projections or constitute a hazard to pedestrians and cyclists.

Would have excluded vehicles with a gross vehicle weight greater than 9,900 pounds or wheel nuts, hubcaps, or wheel discs that are designed, licensed, or produced by the manufacturer of the vehicle to which they are attached.

### **HB 372 by Whitney** *(Last Action – House Committee)*

Would have created special prestige license plates for the Louisiana Republican and Democratic Parties. The plate would have been of a color and design selected by the chairman of each respective organization. The \$25 annual royalty fees collected for both plates would have been forwarded to each organization's state central committee.

## TOLLS

### **HB 654 by Morris, Jim** *(Last Action – Sent to Governor)*

Pursuant to present law, persons who are alleged to have committed a toll violation on the LA 1 project receive the following from the Department of Transportation and Development (DOTD):

- (1) A notice of violation that includes a warning that the registered owner must pay the toll and administrative fees stated in the notice or appeal the violation within 30 days after the issuance of the notice.
- (2) When a registered owner fails to respond to the notice of violation within 30 days, he receives a notice by first-class mail indicating that he failed to pay the administrative fees indicated in a violation notice, failed to appeal a violation notice within 30 days of its issuance, and that he will incur a \$5 late charge.
- (3) When a registered owner fails to respond to the notice of violation within 45 days, he receives a notice by first-class mail indicating that he will incur a \$15 late charge.
- (4) When a registered owner fails to respond to a notice of violation within 60 days, he receives a notice of delinquency by first-class mail indicating that he will incur a \$20 late charge, and will be prohibited from renewing his driver's license.

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Provides that persons who are alleged to have committed a toll violation on the LA 1 project will receive the following from the DOTD:

- (1) A notice of violation that includes a warning that the registered owner pay the toll and administrative fees indicated in the notice or appeal the violation within 30 days after the issuance of the notice.
- (2) When a registered owner fails to respond to the notice of violation within 30 days, he will receive a notice that he failed to pay the administrative fees stated in the violation notice, failed to appeal a violation notice within 30 days of its issuance, will incur a late charge of \$5, and that if he fails to respond to a violation notice within 60 calendar days after the date of the issuance of the violation he shall be prohibited from renewing his driver's license.

Removes the \$15 late charge assessed for failure to respond to a notice of violation within 45 days and removes the \$20 late charge assessed for failure to respond to the notice of violation within 60 days.

Permits the DOTD and alleged toll violators to communicate via electronic mail.

### **SB 218 by Morrell** *(Last Action – Sent to Governor)*

Prohibits the Department of Transportation and Development (DOTD) from collecting a toll, charge, administrative fee, or late charge from any person for the alleged failure to pay a toll to cross the Crescent City Connection Bridge from January 1, 2013 to March 5, 2013.

Requires the DOTD to conduct and publicize a toll violation amnesty program for all persons alleged to have failed to pay a toll to cross the Crescent City Connection Bridge prior to January 1, 2013. Requires the department to start the program no later than August 1, 2013 and to conclude the program on October 1, 2013.

Allows persons who have entered into payment plans in connection with an alleged failure to pay a toll to cross the Crescent City Connection Bridge may avail themselves of the toll amnesty violation program.

Prohibits the DOTD from taking any action to collect a charge or administrative fee from persons alleged to have failed to pay a toll to cross the Crescent City Connection Bridge prior to January 1, 2013.

Provides that the Crescent City Connection Fund shall be appropriated as follows:

- (1) The first \$4 million deposited into fund must be appropriated for use by the DOTD to capitalize ferry service formerly operated by the Crescent City Connection Division in the Marine Trust Program.

## Transportation, Highways & Public Works

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- (2) \$1.4 million of such funds must be appropriated annually in the amount of \$700,000 for fiscal years starting July 1, 2013 and July 1, 2014.
- (3) The DOTD shall retain up to 20% of the funds collected during the toll violation amnesty program to pay for the costs incurred by the department to implement the program.

Provides that upon conclusion of the program that the DOTD shall notify the Department of Public Safety and Corrections, office of motor vehicles, of all persons who disposed of toll violations pursuant to the toll violation amnesty program and that the office of motor vehicles shall be prohibited from refusing to renew the drivers' licenses of such persons for the alleged failure to respond to a notice pertaining to the alleged failure to pay a toll to cross the Crescent City Connection Bridge.

Requires the DOTD to turn over all evidence of outstanding toll violations alleged to have occurred prior to January 1, 2013, to the Department of Justice or Department of Revenue for collections upon conclusion of the program.

### **HB 348 by Arnold** *(Last Action – Enrolled)*

As House Bill 348 relates to tolls on the Crescent City Connection, it provides that, any funds remaining in all Crescent City Connection GeauxPass toll tag accounts that are clearly identified by name and address shall be deemed abandoned funds for the purposes of treatment as unclaimed property. The funds are to be immediately reported and transferred from the Department of Transportation and Development (DOTD) to the state treasurer in his capacity as administrator of the Uniform Unclaimed Property Act. The state treasurer is to provide for the return of the funds to their owners.

Creates the Geaux Pass Transition Fund for monies transferred from the DOTD to the state treasurer in his capacity as administrator of the Uniform Unclaimed Property Act. Requires all unexpended and unencumbered monies remaining in the fund on June 30, 2014, be appropriated as follows:

- (1) Up to 30% of the monies in the fund shall be appropriated to the DOTD for operational and maintenance costs for the New Orleans ferries.
- (2) The balance of the monies in the fund as of June 30, 2014, shall be appropriated to the New Orleans Regional Planning Commission for lighting of the eastbank and westbank approaches to the Crescent City Connection Bridge and for other improvements.

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## Transportation, Highways & Public Works

### FERRIES

#### **SB 215 by Heitmeier** *(Last Action – Enrolled)*

Would have required the Department of Transportation and Development (DOTD) to own, provide insurance, and contribute not more than \$4 million annually from its operating budget for the continued operation of the Chalmette ferry.

Would have authorized the DOTD to enter a cooperative endeavor agreement with a political subdivision of the state to provide for continued operation of the Chalmette ferry. Would have required the political subdivision to establish ferry fares. Also, allowed the political subdivision to contract with a public or private ferry service operator, to use best practices to operate and manage ferry service and collect ferry fares, and that all ferry fares collected be used to operate and maintain ferry service.

Would have authorized the cooperative endeavor agreement to include the use of marine assets and associated maritime properties formerly operated by the Crescent City Connection Division to be managed and operated as a ferry system.

Would have created the New Orleans Ferry Fund and required the state treasurer, after making the allocation from state highway fund No. 2 for the Greater New Orleans Expressway Commission, to deposit into the Fund an amount equal to the total of all funds derived from registration and license fees and taxes on trucks and trailers which are collected in Orleans Parish, subject to appropriation, to the DOTD for operation of the Chalmette ferry and to provide ferry service formerly operated by the Crescent City Connection Division until June 30, 2018. Further provides that these funds are in addition to but not less than the \$4 million the DOTD contributes from its operating budget.

Would have removed the Regional Transit Authority's prohibition on operating ferries except to develop a transit system, provide concessions, off-street parking and other facilities for the comfort, safety and convenience of transit passengers, and otherwise accomplish the purpose and policies expressed and contemplated in law.

### DESIGN-BUILD

#### **HB 559 by Brossett** *(Last Action – Sent to Governor)*

Design-build authority granted to certain entities following Hurricanes Katrina and Rita expires July 10, 2013. Extends the length of time from six years to seven years, or until July 10, 2014, for utilization of the design-build method for the following schools: Edna Karr High School, G. W. Carver High School, Martin Behrman High School, Sherwood Forest Elementary School, and Paul

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B. Habans Elementary School. Extends the length of time from six years to eight years, or until July 10, 2015, for utilization of the design-build method for projects of the Sewerage and Water Board of New Orleans, in a power plant not to exceed \$30.4 million. Effective July 1, 2013.

### **SCR 102 by Adley** *(Last Action – Enrolled)*

Establishes the Design-Build Task Force to study all issues and disputes related to use of the design-build contracting authority by the state and political subdivisions for public projects with public funds, to address such issues, to resolve disputes, to develop an approach to determine the best use of design-build contracts, to determine when and how design-build contracts should be used, to determine an approval procedure for the use of design-build contracts, and to report all such matters to the House and Senate Committees on Transportation, Highways, and Public Works not later than January 15, 2014, and to terminate not later than March 31, 2014.

## WAYS AND MEANS

### AD VALOREM TAX

#### **HB 69 by Brossett** (*Last Action - Act No. 72*)

For Orleans Parish only, lengthens the period of time in which taxpayers and other interested parties may inspect property tax assessments before the tax rolls are finalized by the assessor. Beginning in 2013, the length of time for such review is increased from 15 to 32 calendar days. The period of time changes from July 15<sup>th</sup> through August 1<sup>st</sup> to July 15<sup>th</sup> through August 15<sup>th</sup>.

Further, the time in which the Orleans Parish assessor must submit complaints received during the inspection period to the board of review is changed from seven days after the end of the public inspection period to 10 days after the last date in which complaints are received, and the timing for the assessor to submit the certified tax roll to the board of review is changed from 10 days after the close of the tax roll inspection period to October 1<sup>st</sup>.

#### **HB 256 by Patrick Williams** (*Last Action - Enrolled*)

#### **SB 51 by Long** (*Last Action - Sent to Governor*)

Reduces the duration of the redemption period for certain blighted or abandoned property sold at a tax sale from 3 years to 18 months. (November 4, 2014, ballot).

#### **SB 96 by Adley** (*Last Action - Enrolled*)

Clarifies the eligibility requirements for the \$15,000 homestead exemption for veterans with a service-connected disability rating of 100% regarding the disability rating as it relates to unemployability or total disability. (November 4, 2014, ballot).

### ASSESSORS

#### **SB 63 by Mills** (*Last Action - Sent to Governor*)

Authorizes each assessor's office to increase the assessor's annual compensation by up to 4% each calendar year for four years beginning in calendar year 2013 and ending in calendar year 2016.

### BONDS

#### **HB 516 by Leger** (*Last Action - Sent to Governor*)

Click [Here](#) for the Veto Message.

Authorizes the Phase V Convention Center Expansion Project for the Ernest N. Morial - New Orleans Exhibition Hall Authority to include a joint venture between the authority and a private



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entity for a tourism development plan to enhance the New Orleans Convention Center, and install basic infrastructure.

The authority may issue nontraditional tax-exempt bonds and other obligations to finance expansion projects, and to provide for additional bond capacity. The restriction on expenditures, contracts, and debt issuance for hotel projects is removed.

### DEPARTMENT OF REVENUE

#### **HB 456 by Robideaux** *(Last Action - Sent to Governor)*

Enacts the Louisiana Tax Delinquency Amnesty Act of 2013, which requires the Dept. of Revenue (DOR) to develop and implement a tax amnesty program to be effective as follows: a two-month period occurring prior to December 31, 2013; a one-month period occurring between July 1, 2014, and December 31, 2014; and a one-month period occurring between July 1, 2015, and December 31, 2015. The specific date of each amnesty period shall be determined by the secretary of DOR.

The program applies for taxes due for taxable periods that began before January 1, 2013, for all taxes administered by DOR except for motor fuel taxes and penalties for failure to submit information reports that are not based on an underpayment of tax.

Amnesty may be granted only for taxpayers who apply during an amnesty period and who pay all applicable tax, fees, costs, and interest due upon filing of the amnesty application. The secretary is authorized to waive penalties and interest associated with the tax periods for which amnesty is applied as follows:

- (1) All penalties and 50% of the interest owed if the amnesty application is approved during the 2013 amnesty period.
- (2) 15% of penalties owed if the amnesty application is approved during the 2014 amnesty period.
- (3) 10% of penalties owed if the amnesty application is approved during the 2015 amnesty period.

DOR is authorized to retain (from monies collected under the tax amnesty program) an amount equal to all penalties waived, an amount equal to the costs for contractual information technology and amnesty program administration services, and an amount equal to any collection fees, legal fees, or any other fees the department incurs that are associated with granting amnesty.

The 2013 Amnesty Collections Fund, hereinafter referred to as "fund", is established as a special treasury fund. After compliance with requirements of the Bond Security and Redemption Fund, and

after the allocation of collections to DOR, an amount equal to all remaining monies shall be credited to this fund and may be available for appropriation for any public purpose.

Program administration includes duties and powers of the secretary of DOR, including the granting of amnesty to eligible taxpayers; the imposition of fines and penalties, and initiation of civil litigation under certain circumstances; and the granting of refunds or credits under certain circumstances.

### **HB 629 by Broadwater** *(Last Action - Enrolled)*

Establishes the Office of Debt Recovery within the Department of Revenue (DOR) to collect taxes payable to DOR, and to provide collection services for the delinquent debt of other agencies and, by agreement, that of political subdivisions.

All executive branch agencies are required to refer delinquent receivables to either the attorney general (AG) or DOR for collection. The program provides for the type and schedule of debt to be referred to either DOR or the AG, along with the authority for imposition and retention of a collection fee of up to 25%.

Collections of debt money shall be transferred to the referring agency, except for those collected for non-payment of Title 47 tax liabilities which are required to be deposited into the state general fund. The first \$5 million of such monies deposited into the general fund shall be appropriated, beginning in Fiscal Year 2013-2014 and for four consecutive fiscal years thereafter, to the Office of State Police to be used for a training academy class.

DOR is authorized to contract for outside "legal services" after first having requested assistance from the office of the AG.

The program provides for the receipt and administration of financial and other data by DOR for purposes of debt collection, including data obtained through the data match program through which DOR would receive data from financial institutions. DOR is authorized to pay a "participation fee" to a financial institution related to the transmission of data files.

### **HB 377 by Leger** *(Last Action - Sent to Governor)*

Establishes a central tax credit registry within the Department of Revenue (DOR) for the registration and recordation of all state tax credits issued and subsequent transfers of such credits.

Beginning January 1, 2014, all state agencies issuing tax credits shall send a copy of each new tax credit certificate to DOR for the assignment of an identification number and recordation of the credit into the registry. For all tax credit certificates issued prior to January 1, 2014, this information shall be remitted no later than January 31, 2014. Provisions include the administration of the registry,

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timing for required reporting of tax credit transfers, and other matters, including those relating to fraud and disputed titles to tax credits.

### MISCELLANEOUS

#### **HB 636 by Danahay** *(Last Action - Sent to Governor)*

Revises the oil spill contingency fee with respect to imposition, amount, and use. The imposition of the fee is changed from a 2 to 4 cent per barrel fee levied on crude oil at the terminal to a 1/4 to 1/2 cent per barrel fee levied on the operator of a refinery. Removes the \$30 million cap on the fund balance of the Oil Spill Contingency Fund, as well as the limitations on the use of monies appropriated from the fund.

### TAX INCENTIVES

#### **HB 316 by K. Jackson** *(Last Action - Sent to Governor)*

Requires annual reports to the legislature (March 1<sup>st</sup>) by the head of each state agency which administers a tax credit or rebate ("tax incentive"). The report shall include an assessment of the efficacy of each tax incentive in meeting the purposes for which it was established, and whether the state receives a positive return on investment from the intended beneficiary of the tax incentive.

#### **HB 358 by Abramson** *(Last Action - Enrolled)*

Extends the sound recording investor tax credit for five years and expands eligibility for investments by Louisiana residents. Extends the program sunset from January 1, 2015 to January 1, 2020. Lowers the threshold for tax credit eligibility for investments for Louisiana residents from \$15,000 to \$5,000.

#### **HB 455 by Leger** *(Last Action - House Committee)*

#### **HB 726 by Leger** *(Last Action - Sent to Governor)*

Re-establishes the New Markets Jobs Act to provide \$24 million of transferable insurance premium tax credits based on up to \$55 million in investments in specific types of businesses located in federally designated economically disadvantaged areas. Provisions include administration of applications for and granting of tax credits.

#### **HB 483 by Nancy Landry** *(Last Action - Sent to Governor)*

#### **HB 501 by Moreno** *(Last Action - Senate Calendar)*

Extends the music and theatrical production tax credit for four years and enacts various

programmatic changes. There are new definitions for "infrastructure expenditures", "infrastructure project", and "related party transactions." Infrastructure projects which receive initial certification before January 1, 2014, may continue to make qualified expenditures until January 1, 2015. The program sunset date is extended from January 1, 2014, to January 1, 2018. After January 1, 2014, eligibility for infrastructure projects is limited to those located on the campus of a higher education institution that are initially certified by January 1, 2018, and for which expenditures are completed by January 1, 2022.

**HB 571 by Robideaux** *(Last Action - Sent to Governor)*

Revises the Enterprise Zone Program for tax credits and rebates relative to eligibility for tax benefits as follows: the ratio of employees who meet program eligibility requirements in order for the business to qualify for benefits is increased, part time jobs are ineligible, and eligibility for "big box" retailers is limited to those which are grocery stores or pharmacies located in an area designated as an enterprise zone.

**HB 630 by Leger** *(Last Action - Sent to Governor)*

Extends the sunset date for the rehabilitation of historic commercial structures tax credit from January 1, 2016, to January 1, 2018. The income and corporation franchise tax credit provides a credit of up to 25% of eligible costs of rehabilitation of a historic commercial structure.

**HB 705 by Ponti** *(Last Action - Sent to Governor)*

Revises the solar energy systems tax credit in several respects and adds a sunset date of January 1, 2018. Repeals the tax credit for wind energy systems, as well as eligibility for solar energy system installations at apartment complexes.

Expands the solar energy system tax credit to include both solar electric and solar thermal systems. The credit is limited to one per single-family residence. Systems eligible for a tax credit are those which have been sold and installed by a person who is licensed by the La. State Licensing Board of Contractors. For systems purchased and installed after January 1, 2014, the system must be compliant with the requirements of the federal American Recovery and Reinvestment Act (made in America).

The amount of the tax credit for a system that is purchased and installed at a residence is unchanged. The credit for a system which is purchased and installed at a residence by a third party through a lease with the owner of the residence is revised as to eligibility and benefit as follows: beginning July 1, 2013, an eligible system shall provide no more than 6 watts of energy; a system purchased and installed on or after July 1, 2013, and before January 1, 2014 is eligible for a credit equal to 50% of the first \$25,000 of the cost of the system; a system purchased and stalled on or after January 1, 2014, and before January 1, 2018, is eligible for a credit equal to 38% of the first \$25,000 of the cost

## Ways & Means

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of system. The following limitations also apply: an eligible system purchased and installed on or after July 1, 2013, and before July 1, 2014, costs no more than \$4.50 per watt; an eligible system purchased and installed on or after July 1, 2014, and before July 1, 2015, costs no more than \$3.50 per watt; and an eligible system purchased and installed on or after July 1, 2015, and before January 1, 2018, costs no more than \$2.00 per watt.

### SALES TAX

#### **HB 75 by Wesley Bishop** *(Last Action - Sent to Governor)*

Revises the current local sales and use tax exemption for St. Bernard Project, Inc. to include state sales and use tax. Further, dedicates \$1 million per year in state sales tax proceeds derived from the tax on telecommunications services for deposit into the Telecommunications Fund for the Deaf.

#### **HB 418 by Edwards** *(Last Action - Sent to Governor)*

Revises requirements for the exemption certificate for the state and local sales and use tax exemption for sales at certain fund-raising events sponsored by nonprofit organizations. Provides that one exemption certificate is required per year, and that any sales made pursuant to the exemption certificate shall be subject to review by the Department of Revenue for compliance with legal requirements for the exemption.

#### **HB 653 by Robideaux** *(Last Action - Sent to Governor)*

Reduces the amount of vendor compensation allowed for dealers for the collection and remittance of state sales and use tax from an amount equal to 1.1% of taxes collected to an amount equal to 0.935% of taxes collected. Further, the calculation of dedications to special treasury funds for economic development is changed from an amount equal to 37% of the amount of vendor compensation paid to 4/10ths of 1% of all state sales and tax collected.

### CAPITAL OUTLAY

#### **HB 2 by Robideaux** *(Last Action - Sent to Governor)*

#### **HB 3 by Robideaux** *(Last Action - Sent to Governor)*

Provides for the comprehensive capital outlay budget and for implementation of a five-year improvement program.

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## Ways & Means

<b>HB 2 - CAPITAL OUTLAY</b>	
<b>MEANS OF FINANCING</b>	<b>AMOUNT</b>
FEES & SELF GENERATED CASH	\$113,833,489
FEDERAL FUNDS (excluding FEDERAL-TTF)	\$20,598,462
TRANSPORTATION TRUST FUND (TTF) - FEDERAL	\$711,133,000
TRANSPORTATION TRUST FUND (TTF) - REGULAR	\$90,872,190
STATE GENERAL FUND (NON-RECURRING REVENUES)	\$0
STATE GENERAL FUND (DIRECT)	\$0
INTER-AGENCY TRANSFER	\$25,347,724
MISC STATUTORY DEDICATIONS	\$73,791,400
REAPPROPRIATED TTF-REGULAR	\$460,590
REAPPROPRIATED CASH	\$19,568,258
<b>SUB-TOTAL CASH</b>	<b>\$1,055,605,113</b>
REVENUE BONDS	\$165,950,000
<b>SUB-TOTAL CASH &amp; REVENUE BONDS</b>	<b>\$1,221,555,113</b>
GENERAL OBLIGATION BONDS	
PRIORITY 1	\$1,721,470,000
PRIORITY 2	\$351,125,000
PRIORITY 3	\$0
PRIORITY 4	\$0
<b>SUB-TOTAL PRIORITIES 1-4</b>	<b>\$2,072,595,000</b>
PRIORITY 5	\$1,386,390,000
<b>SUB-TOTAL GENERAL OBLIGATION BONDS</b>	<b>\$3,458,985,000</b>
<b>BONDS NRP (Reallocated bond proceeds)</b>	<b>\$11,788,352</b>
<b>TOTAL OF HB 2</b>	<b>\$4,692,328,465</b>
Cash Line of Credit Capacity Limit	\$1,746,475,000
Cash Line of Credit commitment for Priority 1 projects	(\$1,721,470,000)
<b>Cash Line of Credit Capacity amount available for Priority 2</b>	<b>\$25,005,000</b>